



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं० 6] नई दिल्ली, फरवरी 5—फरवरी 11, 2006, शनिवार/माघ 16—माघ 22, 1927
No. 6] NEW DELHI, FEBRUARY 5—FEBRUARY 11, 2006, SATURDAY/MAGHA 16—MAGHA 22, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

सामाजिक न्याय और अधिकारिता मंत्रालय

नई दिल्ली, 2 जनवरी, 2006

का. आ. 519.—आटिष्म, प्रमस्तिष्क अंगघात, मानसिक मंदता तथा बहु-विकलांगता वाले व्यक्तियों के कल्याण के लिए राष्ट्रीय न्यास अधिनियम, 1999 की धारा 3(4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा कार्मिक, लोक शिकायत और पेंशन, कार्मिक और प्रशिक्षण विभाग, नियुक्ति संबंधी मंत्रिमंडल समिति सचिवालय के दिनांक 28 दिसम्बर, 2005 के संदेश संख्या 4/20/2005-ई.ओ. (एस.एम. II) के अनुसरण में सुश्री पूनम नटराजन, निदेशक, विद्या सागर, नं. 1 रंजिथ रोड, कोट्टूरपुरम, चेन्नै को दिनांक 2 जनवरी, 2006 के अपराहन से 26,000 (नियत) रुपए के वेतनमान में तीन वर्षों की अवधि के लिए अथवा उनके उत्तराधिकारी की नियुक्ति तक, जो भी पहले लम्बा हो, आटिष्म, प्रमस्तिष्क अंगघात, मानसिक मंदता तथा बहुविकलांगता वाले व्यक्तियों के कल्याण के लिए राष्ट्रीय न्यास में, नई दिल्ली में इसके मुख्यालय के साथ, अध्यक्ष के रूप में नियुक्त किया जाता है।

[सं. 5-2/2004-एनआई-II]

सर्वेश राय, उप सचिव

MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT

New Delhi, the 2nd January, 2006

S.O. 519. —In exercise of the powers conferred by Section 3(4) of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 and in pursuance of the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Secretariat of the Appointments Committee of the Cabinet's communication No. 4/20/2005-EO (SM.II) dated the 28th December, 2005, Ms. Poonam Natarajan, Director, Vidyasagar, No. 1, Ranjith Road, Kotturpuram, Chennai, is appointed as the Chairperson in the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities with its head office at New Delhi in the pay scale of Rs. 26,000 (fixed) with effect from the forenoon of the 2nd January, 2006 for a period of three years or until her successor is appointed, whichever is longer.

[No. 5-2/2004-NI-II]

SARVESH RAI, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

कार्यालय मुख्य आयकर आयुक्त

जयपुर, 27 जनवरी, 2006

सं. 1/27-01-2006

का. आ. 520.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 सी) की उपधारा (VIए), आयकर नियम 1962 के सह पठित नियम 2 सीए द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जयपुर एतद्वारा "भगवान महावीर कैंसर हॉस्पिटल एण्ड रिसर्च सेंटर, जे.एल.एन. मार्ग जयपुर, राजस्थान" को निर्धारण वर्ष 2003-04 से 2005-06 (वित्त वर्ष 2002-03 से 2004-05) के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त धारा के निमित्त अनुमोदित करती है, अर्थात् :—

1. कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संस्थान पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा,
3. यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों,
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा,
5. विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी और इसका कोई भी भाग सोसायटी के किसी सदस्य को नहीं दिया जाएगा।

यह अनुमोदन सोसायटी द्वारा आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23सी) के उपखण्ड (VIए), के आयकर नियम 1962 के सह पठित नियम 2 सीए के उपबन्धों की सहमति एवं अनुपालन करने पर निर्भर होगा।

[क्र.मु. आ. आ./अ.आ. (समन्वय)/जय./10(23सी)(वीआईए)/05-06]

एम.एन. वर्मा, मुख्य आयकर आयुक्त

MINISTRY OF FINANCE
(Department of Revenue)

OFFICE OF THE**CHIEF COMMISSIONER OF INCOME-TAX**

Jaipur, the 27th January, 2006

No.1/27-01-2006

S.O.520.—In exercise of the powers conferred by sub-clause (via) of clause (23C) of Section 10 of the

Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, I, the Chief Commissioner of Income-tax, Jaipur hereby approves "Bhagwan Mahaveer Cancer Hospital & Research Centre," JLN Marg, Jaipur (Rajasthan)" for the purpose of the said section for the assessment years 2003-2004 to 2005-2006 (F.Yrs. 2002-2003 to 2004-2005), subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this order will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the Institution.

[No. CC/Addl.CIT(Co-ord)/JPR/10(23C)(via)/05-06]

M. N. VERMA, Chief Commissioner of Income-tax

कार्यालय आयुक्त, केन्द्रीय उत्पाद शुल्क आयुक्तालय जयपुर
द्वितीय

जयपुर, 31 जनवरी, 2006

सं. 01-सीमा शुल्क (एन टी)/2006

सीमाशुल्क

का. आ. 521.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94-सीमा शुल्क (एन टी) दिनांक प्रथम जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं जे. चतुर्वेदी, आयुक्त, केन्द्रीय उत्पाद शुल्क, जयपुर- द्वितीय एतद्वारा शतप्रतिशत निर्यात संवर्द्धन ईकाई स्थापित करने के उद्देश्य से सीमा शुल्क अधिनियम, 1962 की धारा 9 के अन्तर्गत राजस्थान राज्य के उदयपुर जिले के राजस्व ग्राम आयद तहसील गिरवा, को भण्डारण स्टेशन (वेयर हाउसिंग स्टेशन) घोषित करता हूँ।

[फ. सं.पंचम् (ईओयू) 30/जेपी-II/14/2005]

जे. चतुर्वेदी, आयुक्त

**OFFICE OF THE COMMISSIONER, CENTRAL
EXCISE, JAIPUR-II**

Jaipur, the 31st January, 2006

No.01-CWS (NT)

CUSTOMS

S.O. 521.—In exercise of the powers conferred by Notification No 33/94 -Customs (NT) dated the 1st July 1994, of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of section 152 of Customs Act 1962, I, J. Chaturvedi, Commissioner of Central Excise Jaipur-II hereby declare revenue village AYAD Tehsil Girwa District Udaipur in the state of Rajasthan to be warehousing station under section 9 of the Customs Act 1962 for the purpose of setting up 100% EOU.

[C. No. V. (EOU) 30/JP-II/14/2005]

J. CHATURVEDI, Commissioner

केन्द्रीय उत्पाद शुल्क-सीमा शुल्क एवं सेवा कर आयुक्तालय,
भुवनेश्वर-II

भुवनेश्वर, 13 दिसम्बर, 2005

सं. 01/2005-सीमा शुल्क (एन टी)

का. आ. 522.—सीमा शुल्क अधिनियम, 1962 की धारा-152 का खण्ड (क) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली ने दिनांक 1-7-94 की अधिसूचना संख्या 33/94-सीमा शुल्क (एन टी) के द्वारा अधोहस्ताक्षरी को शक्तियों का प्रयोग करने के लिए प्रत्यायोजित किया गया। मैं एतद्वारा उड़ीसा के सुंदरगढ़ जिला के सानिन्दपुर बोनाइ तहसिल ग्राम में प्लॉट सं. 383, खाता सं. 58 का ओराबाट आइरन ओर माइन्स को अल्प प्रयोजन के लिए 100% निर्यातोन्मुख एकक (EOU) स्थापित करने हेतु सीमा शुल्क अधिनियम, 1962 की धारा-9 के तहत भण्डारण स्टेशन घोषित करता हूँ।

[सी. सं. VIII(40)2/सीमा/भु-II/2005]

टी. हाकिप, आयुक्त

**OFFICE OF THE COMMISSIONER
CENTRAL EXCISE, CUSTOMS AND
SERVICE TAX, BHUBANESWAR-II**

Bhubaneswar, the 13th December, 2005

No. 01/2005-Cus(NT)

S.O. 522.—In exercise of the powers delegated to the undersigned vide Notification No 33/94 -Cus(N.T.) dated 1-7-1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under clause (a) of Section 152 of the Customs Act, 1962, I hereby declare Oraghat Iron Ore Mines, Plot No. 383, Khata No. 58, Village-Sanindpur Bonai Tehsil, Sundergarh District in the State of Orissa to be Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% EOU.

[C.No. VIII (40) 2/CUS/BBSR-II/2005]

T. HAOKIP, Commissioner

भुवनेश्वर, 13 दिसम्बर, 2005

सं. 01/2005-सीमा शुल्क (एन टी)

का. आ. 523.—सीमा शुल्क अधिनियम, 1962 की धारा-152 का खण्ड (क) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली ने दिनांक 1-7-94 की अधिसूचना संख्या 33/94-

सीमा शुल्क (एन टी) के द्वारा अधोहस्ताक्षरी को शक्तियों का प्रयोग करने के लिए प्रत्यायोजित किया गया। मैं एतद्वारा उड़ीसा के सुंदरगढ़ जिला के सानिन्दपुर ग्राम में प्लॉट सं. 99, खाता सं. 58 का सानिन्दपुर आइरन एवं बॉक्साइट माइन्स को अल्प प्रयोजन के लिए 100% निर्यातोन्मुख एकक (EOU) स्थापित करने हेतु सीमा शुल्क अधिनियम, 1962 की धारा-9 के तहत भण्डारण स्टेशन घोषित करता हूँ।

[सी. सं. VIII(40)3/सीमा/भु-II/2005]

टी. हाकिप, आयुक्त

Bhubaneswar, the 13th December, 2005

No. 02/2005-Cus. (NT)

S.O. 523.—In exercise of the powers delegated to the undersigned vide Notification No 33/94 -Cus(N.T.) dated 1-7-1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under clause (a) of Section 152 of the Customs Act, 1962, I hereby declare Sanindpur Iron & Bauxite Mines, Plot No. 99, Khata No. 58, Village-Sanindpur, Distt. Sundergarh in the State of Orissa to be Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% EOU.

[C. No. VIII (40) 3/CUS/BBSR-II/2005]

T. HAOKIP, Commissioner

भुवनेश्वर, 13 दिसम्बर, 2005

सं. 06/2005-सीमा शुल्क (एन टी)

का. आ. 524.—सीमा शुल्क अधिनियम, 1962 की धारा-152 का खण्ड (क) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली ने दिनांक 1-7-94 की अधिसूचना संख्या 33/94-सीमा शुल्क (एन टी) के द्वारा अधोहस्ताक्षरी को शक्तियों का प्रयोग करने के लिए प्रत्यायोजित किया गया। मैं एतद्वारा उड़ीसा के सुंदरगढ़ जिला के नदि कसीरा ग्राम में प्लॉट सं. 59, खाता सं. 23 का नदिधि आइरन एवं मँगनीस माइन्स को अल्प प्रयोजन के लिए 100% निर्यातोन्मुख एकक (EOU) स्थापित करने हेतु सीमा शुल्क अधिनियम, 1962 की धारा-9 के तहत भण्डारण स्टेशन घोषित करता हूँ।

[सी. सं. VIII(40)4/सीमा/भु-II/2005]

टी. हाकिप, आयुक्त

Bhubaneswar, the 13th December, 2005

No. 06/2005-Cus. (NT)

S.O. 524.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94 -Cus(N.T.) dated 1-7-1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under clause (a) of Section 152 of the Customs Act, 1962, I hereby declare Nadidih Iron & Manganese Mines, Plot No. 59, Khata No. 23, Village-Nadi Kasira, Distt. Sundergarh in the State of Orissa to be Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% EOU.

[C.No. VIII (40) 4/CUS/BBSR-II/2005]

T. HAOKIP, Commissioner

भुवनेश्वर, 13 दिसम्बर, 2005

सं. 04/2005-सीमा शुल्क (एन टी)

का. आ. 525.—सीमा शुल्क अधिनियम, 1962 की धारा-152 का खण्ड (क) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व

विभाग, नई दिल्ली ने दिनांक 1-7-94 की अधिसूचना संख्या 33/94-सीमा शुल्क (एन टी) के द्वारा अधोहस्ताक्षरी को शक्तियों का प्रयोग करने के लिए प्रत्यायोजित किया गया। मैं एतद्वारा उड़ीसा के सुंदरगढ़ जिला के कोइरा ग्राम में में प्लॉट सं. 1058, खाता सं. 150 का तेहराई आइरन एवं मँगनीस माइन्स को अल्प प्रयोजन के लिए 100% निर्यातोन्मुख एकक (EOU) स्थापित करने हेतु सीमा शुल्क अधिनियम, 1962 की धारा-9 के तहत भण्डारण स्टेशन घोषित करता हूँ।

[सी. सं. VIII(40)5/सीमा/भु-II/2005]

टी. हाकिप, आयुक्त

Bhubaneswar, the 13th December, 2005

No. 04/2005-Cus(NT)

S.O. 525.—In exercise of the powers delegated to the undersigned vide Notification No 33/94 -Cus(N.T.) dated 1-7-1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under clause (a) of Section 152 of the Customs Act, 1962, I hereby declare Tehrai Iron & Manganese Mines, Plot No. 1058, Khata No.-150, Village-Koira, Distt. Sundergarh in the State of Orissa to be Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% EOU.

[C.No. VIII (40) 5/CUS/BBSR-II/2005]

T. HAOKIP, Commissioner

भुवनेश्वर, 13 दिसम्बर, 2005

सं. 03/2005-सीमा शुल्क (एन टी)

का. आ. 526.—सीमा शुल्क अधिनियम, 1962 की धारा-152 का खण्ड (क) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली ने दिनांक 1-7-94 की अधिसूचना संख्या 33/94-सीमा शुल्क (एन टी) के द्वारा अधोहस्ताक्षरी को शक्तियों का प्रयोग करने के लिए प्रत्यायोजित किया गया। मैं एतद्वारा उड़ीसा के सुंदरगढ़ जिला के रेंगलबेरा ग्राम में में प्लॉट सं. 130, 131, 134 एवं 135, खाता सं. 26 का नदिधि आइरन एवं मँगनीस माइन्स को अल्प प्रयोजन के लिए 100% निर्यातोन्मुख एकक (EOU) स्थापित करने हेतु सीमा शुल्क अधिनियम, 1962 की धारा-9 के तहत भण्डारण स्टेशन घोषित करता हूँ।

[सी. सं. VIII(40)6/सीमा/भु-II/2005]

टी. हाकिप, आयुक्त

Bhubaneswar, the 13th December, 2005

No. 03/2005-CUS. (NT)

S.O. 526.—In exercise of the powers delegated to the undersigned vide Notification No 33/94 -Cus(N.T.) dated 1-7-1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under clause (a) of Section 152 of the Customs Act, 1962, I hereby declare Nadidih Iron & Manganese Mines, Plot No. 130, 131, 134 and 135, Khata No. 26, Village-Rengalbera, Distt. Sundergarh in the State of Orissa to be Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% EOU.

[C. No. VIII (40) 6/CUS/BBSR-II/2005]

T. HAOKIP, Commissioner

भुवनेश्वर, 13 दिसम्बर, 2005

सं. 05/2005-सीमा शुल्क (एन टी)

का. आ. 527.—सीमा शुल्क अधिनियम, 1962 की धारा-152 का खण्ड (क) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व

विभाग, नई दिल्ली ने दिनांक 1-7-94 की अधिसूचना संख्या 33/94-सीमा शुल्क (एन टी) के द्वारा अधोहस्ताक्षरी को शक्तियों का प्रयोग करने के लिए प्रत्यायोजित किया गया। मैं एतद्वारा उड़ीसा के केंजहार जिला के बडबिल तहसिल का जरिबाहाल ग्राम में में प्लॉट सं. 192, खाता सं. 43 का जजांग आइरन ओर एवं मँगनीस माइन्स को अल्प प्रयोजन के लिए 100% निर्यातोन्मुख एकक (EOU) स्थापित करने हेतु सीमा शुल्क अधिनियम, 1962 की धारा-9 के तहत भण्डारण स्टेशन घोषित करता हूँ।

[सी. सं. VIII(40)7/सीमा/भु-II/2005]

टी. हाकिप, आयुक्त

Bhubaneswar, the 13th December, 2005

No. 05/2005-Cus. (NT)

S.O. 527.—In exercise of the powers delegated to the undersigned vide Notification No 33/94 -Cus(N.T.) dated 1-7-1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, under clause (a) of Section 152 of the Customs Act, 1962, I hereby declare Jajang Iron Ore & Manganese Mines, Plot No. 192, Khata No. 43, Jaribahal, Via-Joda, Tehsil-Barbil, Distt. Keonjhar in the State of Orissa to be Warehousing Station under Section 9 of the Customs Act, 1962 for the limited purpose of setting up of 100% EOU.

[C.No VIII (40) 7/CUS/BBSR-II/2005]

T. HAOKIP, Commissioner

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 31 जनवरी, 2006

का. आ. 528.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 47 के खंड (ix) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा कर निर्धारण वर्ष 2005-2006 से 2008-2009 के लिए उक्त उप-खंड के प्रयोजनार्थ "इंदिरा गांधी नेशनल सेंटर फॉर दि आर्ट्स, नई दिल्ली" को अधिसूचित करती है।

अनुमोदन इस शर्त के अधीन है कि आयकर अधिनियम, 1961 की धारा 13(1)(ग) के प्रावधानों का उल्लंघन नहीं होगा तथा लक्ष्यों और उद्देश्यों में और नियमों और विनियमों में कोई परिवर्तन नहीं होगा।

[अधिसूचना सं. 3/2006/(फा. सं. 225/96/2005-आयकर नि.-II)]

निधि सिंह, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 31st January, 2006

S.O. 528.—In exercise of the powers conferred by clause (ix) of Sub-section 47 of the Income-Tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indira Gandhi National Centre for the Arts", New Delhi for the purpose of the said sub-clause for the assessment years 2005-2006 to 2008-2009.

The approval is subject to the condition that the provisions of section 13(1)(c) of the Income Tax Act, 1961, are not infringed and there is no change in the aims and objects and in the Rules and Regulations.

[Notification No. 3/2006/F. No. 225/96/2005/ITA-II]

NIDHI SINGH, Under Secy.

आदेश
नई दिल्ली, 31 जनवरी, 2006
स्टाम्प

का. आ. 529.— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा यूको बैंक, कोलकाता को मात्र तिरसठ लाख रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र एक सौ पचास करोड़ रुपए के समग्र मूल्य के प्रामिसरी नोटों के स्वरूप वाले असुरक्षित विमोच्य गौण बांडो (शृंखला-vi) पर स्टाम्प शुल्क के कारण प्रभाव है।

[सं. 2/2006/स्टाम्प एफ सं. 33/47/2005 बि.क.]
आर. जी. छाबड़ा, अवर सचिव

ORDER
New Delhi, the 31st January, 2006
STAMPS

S.O. 529.—In the exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits UCO Bank, Kolkata to pay consolidated stamp duty of rupees sixty three lakh only chargeable on account of the stamp duty on Unsecured Redeemable Subordinated Bonds (Series VI) in the nature of Promissory Notes aggregating to rupees one hundred fifty crore only, to be issued by the said bank.

[No. 2/2006/STAMP F.No. 33/47/2005-ST]
R. G. CHHABRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 31 जनवरी, 2006

का. आ. 530.— राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) योजना, 1980 के खण्ड 3 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्री. ए.पी. होता, मुख्य महाप्रबंधक, भुगतान एवं निपटान प्रणाली विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, मुम्बई को तत्काल प्रभाव से अगला आदेश होने तक, श्रीमती दीपाली पंत जोशी के स्थान पर आन्ध्रा बैंक के बोर्ड में निदेशक के रूप में नियुक्त करती है।

[सं. 9/18/2000-बीओ-1]
जी.बी. सिंह, अवर सचिव

(Department of Economic Affairs)
(BANKING DIVISION)

New Delhi, the 31st January, 2006

S.O. 530.—In exercise of the powers conferred by clause (c) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980 the Central Government, hereby nominates Shri A.P. Hota, Chief General Manager,

Department of Payment and Settlement Systems, Reserve Bank of India, Central Office, Mumbai as Director on the Board of Andhra Bank vice Smt. Deepali Pant joshi, with immediate effect and until Further orders.

[F.No. 9/18/2000-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 1 फरवरी, 2006

का.आ. 531.— राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री जी.चरथ चन्द्रन, निवासी-20 स्वामी सन्नाथी स्ट्रीट, वैठीस्वरन कोइल-609117 (तमिलनाडु) को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा उनका उत्तराधिकारी नामित होने तक, इनमें से जो भी पहले हो, इंडियन बैंक के बोर्ड में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा.सं. 9/38/2005-बीओ-1]

जी.बी. सिंह, अवर सचिव

New Delhi, the 1st February, 2006

S.O. 531.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Shri G. Charath Chandran resident of 20, Swami Sannathi Street, Vaitheeswaran Koil-609117 (Tamil Nadu) as part-time non-official Director on the Board of Indian Bank for a period of three years from the date of notification or until his successor is nominated, whichever is earlier.

[F.No. 9/38/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 2 फरवरी, 2006

का. आ. 532.— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, यह घोषणा करती है कि जहां तक 148 मिलियन इक्विटी शेयरों के लोक निर्गम का संबंध है, उक्त अधिनियम की धारा 13 का उपबंध आई सी आई सी बैंक लिमिटेड पर लागू नहीं होगा।

[फा.सं. 7/3/2006- बीओए]

डी. पी. भारद्वाज, अवर सचिव

New Delhi, the 2nd February, 2006

S.O. 532.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of Reserve Bank of India, hereby declares that the provision of Section 13 of the said Act shall not apply to the ICICI Bank Ltd. so far as the public issue of 148 million equity shares is concerned.

[F.No. 7/3/2006-BOA]

D.P. BHARDWAJ, Under Secy.

नई दिल्ली, 2 फरवरी, 2006

का. आ. 533.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उप-धारा (2) के साथ पठित धारा 6 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से एतद्वारा श्री सूर्यमुड़ी शिवकुमार को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए और अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक के बोर्ड में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 7/4/2004-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 2nd February, 2006

S.O. 533.—In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981, the Central Government hereby nominates Shri Surampudi Sivakumar, as Part-time non official Director on the Board of National Bank for Agriculture and Rural Development (NABARD) for a period of three years from the date of notification, and until further orders, whichever is earlier.

[F. No. 7/4/2004-B O-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 2 फरवरी, 2006

का. आ. 534.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1), खण्ड 8 के उप-खंड (1) के साथ पठित, बैंकाकारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री सुब्बारमन कृष्णन (जन्मतिथि : 22-9-1948) जो इस समय बैंक आफ इंडिया में महाप्रबंधक हैं, को उनके कार्यभार ग्रहण करने की तारीख से 30-9-2008 तक अर्थात् जिस तारीख को वह अधिवर्षिता की आयु प्राप्त करेंगे या अगले आदेश होने तक, जो भी पहले हो, सेन्ट्रल बैंक आफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/3/2006-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 2nd February, 2006

S.O. 534.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints

Shri Subbaraman Krishnan (DoB : 22-09-1948) presently General Manager, Bank of India, as a whole time director (designated as the Executive Director) Central Bank of India from the date of his taking charge and upto 30-09-2008, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 9/3/2006-B O-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 2 फरवरी, 2006

का. आ. 535.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के उप-खंड 3 के उप-खण्ड (1), खण्ड 8 के उपखण्ड (1) के साथ पठित, बैंकाकारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री एस. ए. भट (जन्मतिथि : 20-10-1950) जो इस समय बैंक आफ इंडिया में महाप्रबंधक हैं, को उनके कार्यभार ग्रहण करने की तारीख से 31-10-2010 तक अर्थात् जिस तारीख को वह अधिवर्षिता की आयु प्राप्त करेंगे या अगले आदेश होने तक, जो भी पहले हो, यूको बैंक के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/2/2006-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 2nd February, 2006

S.O. 535.—In exercise of the powers conferred by clause (a) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. A. Bhat (DoB : 20-10-1950) presently General Manager, Bank of India, as a whole time director (designated as the Executive Director) UCO Bank from the date of his taking charge and upto 31-10-2010, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 9/2/2006-B O-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 7 फरवरी, 2006

का. आ. 536.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970 के खण्ड 3 के उप-खण्ड (1) के साथ पठित बैंकाकारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, नीचे दी गई तालिका के कॉलम 2 में विनिर्दिष्ट व्यक्तियों को तत्काल प्रभाव से और अगला आदेश होने तक

अथवा उनके वित्त मंत्रालय में अधिकारी बने रहने तक, इनमें से जो भी पहले हो, कॉलम 1 में विनिर्दिष्ट बैंकों में, कॉलम 3 में विनिर्दिष्ट व्यक्तियों के स्थान पर, निदेशक के रूप में नामित करती है :—

तालिका

1	2	3
इलाहाबाद बैंक	डॉ. के. पी. कृष्णन, श्री जी. भुजबल संयुक्त सचिव (सीएम), वित्त मंत्रालय, आर्थिक कार्य विभाग, नार्थ ब्लॉक, नई दिल्ली।	
सेन्ट्रल बैंक ऑफ इंडिया	श्री पी.पी. मित्रा, श्री यू. के. सिन्हा आर्थिक सलाहकार, वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली	

[फा. सं. 9/11/2004-बीओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 7th February, 2006

S.O. 536.—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, hereby nominate the persons specified in column 2 of the table below as Directors of the Banks specified in column 1 thereof in place of the persons specified in column 3 of the said table, with immediate effect and until further orders or till they ceased to be an officer of the Ministry of Finance, whichever is earlier :—

TABLE

1	2	3
Allahabad Bank	Dr. K.P. Krishnan, Shri G. Bhujbal Joint Secretary (CM), Ministry of Finance, Department of Economic Affairs, North Block, New Delhi,	
Central Bank of India	Shri P.P. Mitra, Shri U. K. Sinha Economic Adviser, Ministry of Finance, Banking Division, Jeevan Deep Building, New Delhi	

[F. No. 9/11/2004-B O-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 7 फरवरी, 2006

का. आ. 537.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970/1980 के खंड 3 के उप-खंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 (ज) और (3-क) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एम.एन. कंडास्वामी, निवासी बोकुलम, 8/253, सिरुवानी, मेन रोड, माधमपट्टी, कोयम्बतूर को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा उनका उत्तराधिकारी नामित होने तक, इनमें से जो भी पहले हो, इंडियन ओवरसीज बैंक के बोर्ड में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/46/2005-बी ओ-1]

जी. बी. सिंह, अवर सचिव

New Delhi, the 7th February, 2006

S.O. 537.—In exercise of the powers conferred by sub-section 3(H) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri M.N. Kandaswamy, resident of Gokulam, 8/253, Siruvani, Main Road, Madhampatty, Coimbatore as part-time non-official Director on the Board of Indian Overseas Bank for a period of three years from the date of notification or until his successor is nominated, whichever is earlier.

[F. No. 9/46/2005-B O-I]

G. B. SINGH, Under Secy.

आदेश

नई दिल्ली, 7 फरवरी, 2006

का. आ. 538.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं० 673/18/2005-सी.यू.एस. VIII, दिनांक 28-12-2005 को जारी किया और यह निर्देश दिया कि श्री अश्विनी कुमार अग्रवाल @ अश्विनी अग्रवाल, सुपुत्र श्री हरि ओम अग्रवाल, निवासी—ए-1/330, पश्चिम विहार, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़ नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में माल की तस्करी का दुष्प्रेरण करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के सम्मुख उपस्थित हो।

[फा. सं. 673/18/2005-सी यू एस-VIII]

एन. एम. कृष्णन, उप-सचिव (कोफेपोसा)

ORDER

New Delhi, the 7th February, 2006

S.O. 538.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/18/2005-Cus. VIII dated 28-12-2005 under the said sub-section directing that Shri Ashwani Kumar Aggarwal @ Ashwani Aggarwal, S/o Shri Hari Om Aggarwal, R/o A-1/330, Paschim Vihar, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from abetting the smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/18/2005-Cus.-VIII]

N. M. KRISHNAN, Dy. Secy. (COFEPOSA)

आदेश

नई दिल्ली, 7 फरवरी, 2006

का. आ. 539.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं० 673/19/2005-सी.यू.एस. VIII, दिनांक 28-12-2005 को जारी किया और यह निर्देश दिया कि श्री विकास अग्रवाल, सुपुत्र श्री अश्विनी अग्रवाल, निवासी—ए-1/330, पश्चिम विहार, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त दिल्ली के सम्मुख उपस्थित हो।

[फा. सं. 673/19/2005-सी यू एस-VIII]

एन. एम. कृष्णन, उपसचिव (कोफेपोसा)

ORDER

New Delhi, the 7th February, 2006

S.O. 539.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section 3 of the Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/19/2005 Cus.

VIII dated 28-12-2005 under the said sub-section directing that Shri Vikas Aggarwal S/o Shri Ashwani Aggarwal, R/o A-1/330, Paschim Vihar, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/19/2005-Cus.-VIII]

N. M. KRISHNAN, Dy. Secy. (COFEPOSA)

(राजस्व विभाग)

केन्द्रीय आर्थिक अन्वेषण ब्यूरो**आदेश**

नई दिल्ली, 7 फरवरी, 2006

का. आ. 540.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं० 673/20/2005-सी.यू.एस. VIII, दिनांक 03-01-2006 को जारी किया और यह निर्देश दिया कि श्री विपुल अग्रवाल, सुपुत्र श्री अश्विनी अग्रवाल, निवासी—ए-1/330, पश्चिम विहार, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस दिल्ली आयुक्त, दिल्ली के सम्मुख उपस्थित हो।

[फा. सं. 673/20/2005-सी यू एस-VIII]

एन. एम. कृष्णन, उपसचिव (कोफेपोसा)

(Department of Revenue)

CENTRAL ECONOMIC INTELLIGENCE BUREAU**ORDER**

New Delhi, the 7th February, 2006

S.O. 540.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F.No. 673/20/2005-Cus. VIII dated 3-1-2006 under the said sub-section, directing that Shri Vipul Aggarwal S/o Shri Ashwani Aggarwal, R/o A-1/330, Paschim Vihar, New Delhi be detained and

kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from the smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/20/2005-Cus-VIII]

N.M. KRISHNAN, Dy. Secy. (COFEPOSA)

आदेश

नई दिल्ली, 7 फरवरी, 2006

का. आ. 541.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं० 673/21/2005-सी.यू.एस. VIII, दिनांक 03-01-2006 को जारी किया और यह निर्देश दिया कि श्री भुवन अग्रवाल, सुपुत्र श्री बृजलाल अग्रवाल, निवासी-डी-137, प्रथम तल, महेन्द्र एन्क्लेव, मॉडल टाउन, फेस-III, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़ नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के सम्मुख उपस्थित हो।

[फा. सं. 673/21/2005-सी यू एस-VIII]

एन. एम. कृष्णन, उप-सचिव (कोफेपोसा)

ORDER

New Delhi, the 7th February, 2006

S.O. 541.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section I of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order. F.No. 673/21/2005 Cus. VIII dated 03-01-2006 under the said sub-section directing that Shri Bhuvan Aggarwal S/o Shri Brij Lal Aggarwal, R/o D-137, First floor, Mahendru Enclave, Model Town, Phase-III, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from the smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/21/2005-Cus-VIII]

N. M. KRISHNAN, Dy. Secy. (COFEPOSA)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 17 जनवरी, 2006

का. आ. 542.—केन्द्रीय सरकार, इस मंत्रालय की दिनांक 5 फरवरी, 2005 की समसंख्यक अधिसूचना के अनुक्रम और आंशिक आशोधन में तथा चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 3 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, डा. (सुश्री) शांता पी. हलगी के स्थान पर श्रीमती अरुणदती नाग और सुश्री भारती विष्णुवर्धन को तत्काल प्रभाव से और अगले आदेशों तक केन्द्रीय फिल्म प्रमाणन बोर्ड के सदस्यों के रूप में नियुक्त करती है।

[फा. सं. 809/12/2003-एफ (सी)]

विश्वजीत सहाय, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 17th January, 2006

S.O. 542.—In continuation and in partial modification of this Ministry's Notification of even number dated 5th February, 2005 and in exercise of the powers conferred by sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 3 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint Smt. Arundati Naag and Ms. Bharati Vishnuvardhan in place of Dr. (Ms) Shanta P. Halagi as members of the Central Board of Film Certification with immediate effect and until further orders.

[F. No. 809/12/2003-F(C)]

VISHVAJIT SAHAY, Director (Films)

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 27 जनवरी, 2006

का. आ. 543.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 (4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

महाप्रबंधक (दक्षिण) महानगर टेलीफोन निगम लिमिटेड, मुम्बई-400005.

[फा. सं. ई-11016/1/2005-रा.भा.]

हरीश चन्द्र जयाल, संयुक्त सचिव

**MINISTRY OF COMMUNICATIONS AND
INFORMATION TECHNOLOGY**
(Department of Telecommunications)
(Official Language Section)

New Delhi, the 27th January, 2006

S.O. 543.—In pursuance of rule 10(4) of the Official Language (Use for official purposes of the Union), rules, 1976 (as amended-1987), the Central Government hereby notifies the following Office under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications whereof more than 80% of staff have acquired working knowledge of Hindi.

General Manager (South) Mahanagar Telephone Nigam Limited, Mumbai-400005.

[F. No. E-11016/1/2005 (OL)]

HARISH CHANDRA JAYAL, Jt. Secy.

अन्तरिक्ष विभाग

बेंगलूर, 31 जनवरी, 2006

का. आ. 544.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और आगे अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) नियम, 1976 में संशोधन करने हेतु निम्नलिखित नियम बनाते हैं :—

(1) इन नियमों का संक्षिप्त नाम अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) संशोधन नियम, 2006 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) नियम 1976 के साथ संलग्न अनुसूची में, मुख्य नियंत्रण सुविधा (एम.सी.एफ.) के तहत जहाँ कहीं प्रधान, कार्मिक व सामान्य प्रशासन पदनाम मौजूद है, इसके बदले प्रधान, कार्मिक व सामान्य प्रशासन/प्रधान, लेखा व आंतरिक वित्त सलाहकार प्रतिस्थापित किया जाए।

[सं. 4/5/1/2004-V]

के. मायवन, अवर सचिव

टिप्पणी :—प्रधान नियम दिनांक 1-4-1976 को भारत के राजपत्र (असाधारण) के भाग-II, खण्ड-3, उप-खण्ड (ii) में सं.का. आ. 270(ई) दि. : 1-4-1976 द्वारा प्रकाशित किया गया है और निम्नलिखित द्वारा संशोधन किया गया है :—

क्र. सं.	अधिसूचना	दिनांक	का.आ. सं.	दिनांक
1	2	3	4	5
1.	2/10(32)/76-I	10-02-1977	780	12-03-1977
2.	2/10(32)/76-I	16-5-1977	2127	25-06-1977
3.	2/10(27)/76-I	01-08-1977	2709	27-08-1977
4.	2/7(5)/77-I	15-02-1978	585	25-02-1978
5.	2/7(5)/77-I	27-05-1978	1780	17-06-1978
6.	2/9(12)/74-III	16-03-1979	1178	07-04-1979
7.	9/4(1)/80-III	26-05-1980	1684	21-06-1980
8.	9/4(1)/80-III	05-09-1980	2586	27-09-1980

1	2	3	4	5
9.	9/4(1)/80-III	13-10-1980	3299	29-11-1980
10.	9/4(1)/80-III	13-10-1980	3300	29-11-1980
11.	9/4(1)/80-III	20-12-1980	215	17-01-1981
12.	2/8(1)/81-I	28-08-1981	2592	03-10-1981
13.	2/8(1)/81-I	16-07-1982	3113	04-09-1982
14.	2/9(1)/83-I(V)	29-07-1985	4280	14-09-1985
15.	2/5(1)/85-V	02-01-1986	510	08-02-1986
16.	2/9(1)/83-I(V)	02-01-1986	511	08-02-1986
17.	2/5(1)/86-V	17-03-1986	1309	29-03-1986
18.	2/5(2)/86-V	20-10-1986	3874	15-11-1986
19.	2/5(1)/90-VI	01-01-1991	99	09-02-1991
20.	2/5(2)/86-V (VI)(वाल्सू-III)	15-11-1991	334	01-02-1991
21.	2/5(1)/91-VI	23-10-1992	2891	21-11-1992
22.	2/5(1)/95-V	24-03-1995	1029	15-04-1995
23.	2/5(1)/91-V	12-10-1995	2856	28-10-1995
24.	2/5(1)/91-V	27-3-1996	1241	20-04-1996
25.	2/5(1)/95-V	23-12-1997	83	10-01-1998
26.	2/5(1)/98-V	30-06-2000	1763	05-08-2000
27.	2/5(1)/98-V	27-12-2000	34	13-01-2001
28.	2/5(1)/98-V	24-1-2001	254	10-02-2001
29.	2/5(1)/98-V	18-03-2004	804	28-03-2004
30.	4/5(1)/2004-V	22-06-2005	—	—

DEPARTMENT OF SPACE

Bangalore, the 31st January, 2006

S.O. 544.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, namely :—

(1) These rules may be called the Department of Space Employees' (Classification, Control and Appeal) Amendment Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the existing Schedule appended to the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, wherever the designation of Head, Personnel & General Administration exists under Master Control Facility (MCF) it shall be substituted by Head, Personnel & General Administration/Head, Accounts & IFA.

[No. 4/5/1/2004-V]

K. MAYAVAN, Under Secy.

Note :—The Principal rules were published vide No. S.O. 270(E) dated 1-4-1976 in the Gazette of India (Extraordinary) Part-II, Section-3, Sub-Section (ii) dated 1-4-1976 and have

been subsequently amended by :—

Sl. No.	Notification No.	Date	S.O. No.	Date
1	2	3	4	5
1.	2/10(32)/76-I	10-02-1977	780	12-03-1977
2.	2/10(32)/76-I	16-5-1977	2127	25-06-1977
3.	2/10(27)/76-I	01-08-1977	2709	27-08-1977
4.	2/7(5)/77-I	15-02-1977	585	25-02-1978
5.	2/7(5)/77-I	27-05-1978	1780	17-06-1978
6.	2/9(120)/74-III	16-03-1979	1178	07-04-1979
7.	9/4(1)/80-III	26-05-1980	1684	21-06-1980
8.	9/4(1)/80-III	05-09-1980	2586	27-09-1980
9.	9/4(1)/80-III	13-10-1980	3299	29-11-1980
10.	9/4(1)/80-III	13-10-1980	3300	29-11-1980
11.	9/4(1)/80-III	20-12-1980	215	17-01-1981
12.	2/8(1)/81-I	28-08-1981	2592	03-10-1981
13.	2/8(1)/81-I	16-07-1982	3113	04-09-1982
14.	2/9(1)/83-I(V)	29-07-1985	4280	14-09-1985
15.	2/5(1)/85-V	02-01-1986	510	08-02-1986
16.	2/9(1)/83-I(V)	02-01-1986	511	08-02-1986
17.	2/5(1)/86-V	17-03-1986	1309	29-03-1986
18.	2/5(2)/86-V	20-10-1986	3874	15-11-1986
19.	2/5(1)/90-VI	01-01-1991	99	09-02-1991
20.	2/5(2)/86-V(VI) (Vol. III)	15-11-1991	334	01-02-1992
21.	2/5(1)/91-VI	23-10-1992	2891	21-11-1992
22.	2/5(1)/95-V	24-03-1995	1029	15-04-1995
23.	2/5(1)/91-V	12-10-1995	2856	28-10-1995
24.	2/5(1)/91-V	27-03-1996	1241	20-04-1996
25.	2/5(1)/95-V	23-12-1997	83	10-01-1998
26.	2/5(1)/98-V	30-06-2000	1763	05-08-2000
27.	2/5(1)/98-V	27-12-2000	34	13-01-2001
28.	2/5(1)/98-V	24-1-2001	254	10-02-2001
29.	2/5(1)/98-V	18-3-2004	804	28-3-2004
30.	4/5(1)/2004-V	22-6-2005	—	—

पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय

(पोत परिवहन विभाग)

नई दिल्ली, 3 फरवरी, 2006

का. आ. 545.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उप नियम 4 के अनुसरण में पोत-परिवहन, सड़क परिवहन और राजमार्ग-मंत्रालय, पोत-परिवहन-विभाग के प्रशासनिक नियंत्रण के अधीन निम्नलिखित कार्यालय में 80% से अधिक कर्मचारियों द्वारा हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लेने पर उसे एतद्वारा अधिसूचित करती है:—

समुद्री वाणिज्य विभाग, प्रतिष्ठा भवन, 101,

महर्षि कर्वे रोड, मुम्बई-400020

[फा. सं. ई-11011/1/2000-हिन्दी]

अजय कुमार भल्ला, संयुक्त सचिव

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

New Delhi, the 3rd February, 2006

S.O. 545.—In pursuance of the sub rule (4) of the rule 10 of the Official Language (use for the official purpose of the Union) Rules, 1976 (as amended 1987), the Central Government hereby notifies the following office under the administrative control of the Ministry of Shipping, Road Transport and Highways, Department of Shipping, more than 80% of the staff of which have acquired working knowledge of Hindi :—

Mercantile Marine Department,
Pratishtha Bhavan,
101, M.K. Road, Mumbai-400020

[F.No. E-11011/1/2000-Hindi]

A. K. BHALLA, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 31 जनवरी, 2006

का. आ. 546.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय के अधीन भारतीय मानक ब्यूरो, नई दिल्ली के निम्नलिखित शाखा कार्यालय, जिसके 80% से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है :—

भारतीय मानक ब्यूरो,
विशाखापत्तनम शाखा कार्यालय,
सी ब्लॉक (पहली मंजिल),
उद्योग भवन, वी.यू.डी.ए. काम्प्लेक्स,
सीरीपुरम, विशाखापत्तनम-530 003

[सं. ई-11012/3/2005-हिन्दी]

पॉल जोसेफ, आर्थिक सलाहकार

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 31st January, 2006

S.O. 546.—In pursuance of the sub-rule (4) of the Rule 10 of the Official Languages (Use for the Official Purpose of the Union) Rules, 1976 the Central Government hereby notifies the following Branch Office of the Bureau of Indian Standard, New Delhi under the Ministry of Consumer Affairs, Food and Public Distribution where more than 80% of the staff have acquired working knowledge of Hindi :—

Bureau of Indian Standards
Vishakhapatnam Branch Office,
C-Block (First Floor), Udyog Bhavan,
VUDA Complex, Siripuram,
Vishakhapatnam-530 003

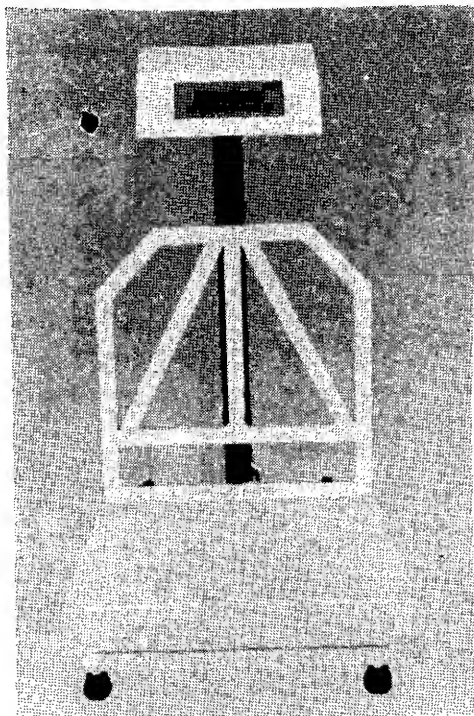
[F.No. E-11012/3/2005-Hindi]

PAUL JOSEPH, Economic Adviser

नई दिल्ली, 6 जनवरी, 2006

का.आ. 547.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आवृत्ति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कैल-वन स्केल्स, 16-48 सी, प्रशान्त नगर, लिटल फ्लावर जूनियर कालेज के पीछे, उप्पल, हैदराबाद-500039 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "सी ई-प्लेटफार्म" श्रृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कैल वन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/939 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 75 कि.ग्रा. और न्यूनतम क्षमता 250 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यफलन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

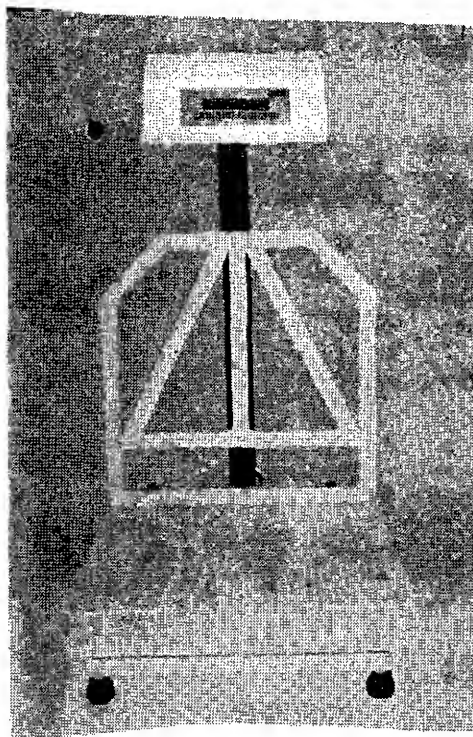
[फा. सं. डब्ल्यू एम-21(266)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th January, 2006

S.O. 547.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "CE-Platform" series of high accuracy (Accuracy class-II) and with brand name "Cal-One" (hereinafter referred to as the said model), manufactured by M/s. Cal-One Scales, 16-48 C, Prasant Nagar, behind Little Flower Junior College, Uppal, Hyderabad-500039, Andhra Pradesh and which is assigned the approval mark IND/09/05/939;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 75 kg. and minimum capacity of 250 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 Kg. and up to 300 kg. with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(266)/2005]

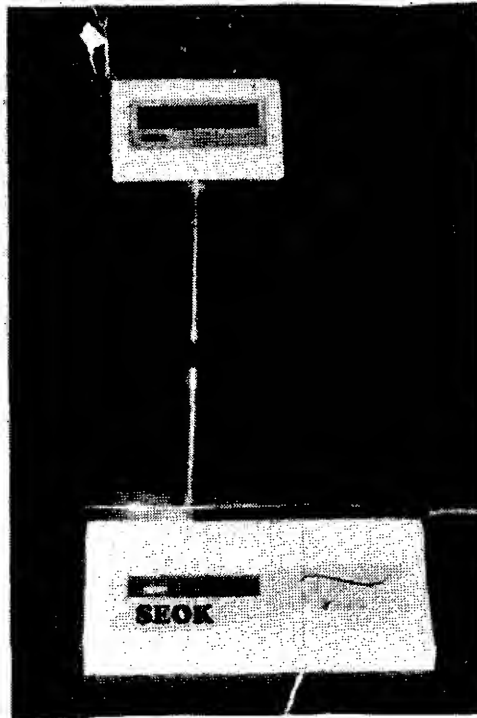
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 जनवरी, 2006

का.आ. 548.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सिओक स्केल्स इंडस्ट्रीज, 34 श्रीनाथ दावार सोसाइटी, सीता नगर के सामने, पुनागाम, सूरत, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस ई जे" श्रृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सिको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/779 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(30)/2004]

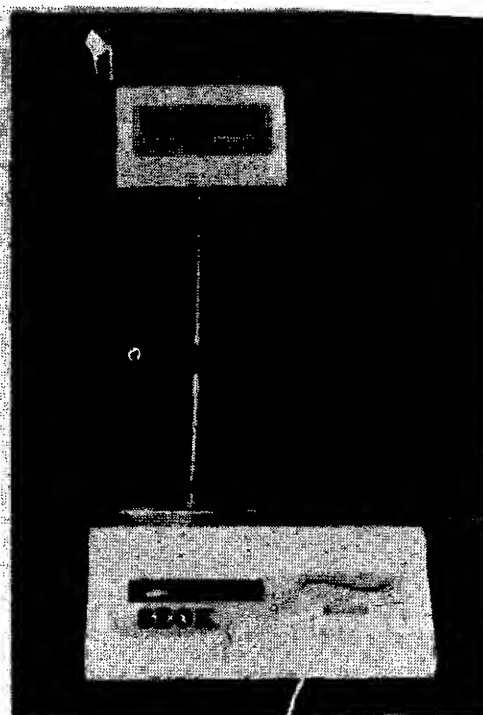
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th January, 2006

S.O. 548.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Table Top Type) with digital indication of high accuracy (Accuracy class-II) and brand "SEIKO" and series "SEJ" (hereinafter referred to as the said Model), manufactured by M/s, Seok Scale Industries, 34, Shreenath Dawar Society, Opp. Sita Nagar, Punagam, Surat, Gujarat and which is assigned the approval mark IND/09/05/779;

The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 12 kg and minimum capacity of 50 g. The verification scale interval (e) is 1 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 Kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(30)/2004]

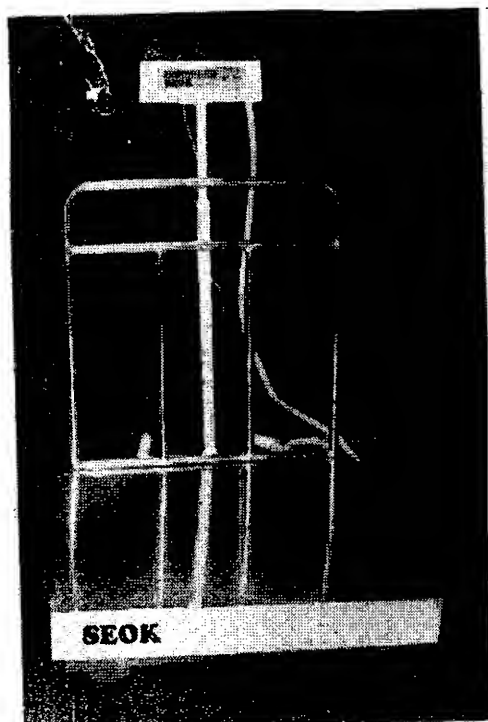
P. A. KRISHNAMOORTHY, Director of Legal Metrology.

नई दिल्ली, 16 जनवरी, 2006

का.अ. 549.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सिओक स्केल्स इंडस्ट्रीज, 34, श्रीनाथ दावार सोसाइटी, सीता नगर के सामने, पुनागाम, सूरत, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "सिओप" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सिको" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/780 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. है और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 10,000 तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(30)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th January, 2006

S.O. 549.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Platform type) with digital indication of high accuracy (Accuracy class-II) and brand name "SEIKO" and series "SEOP" (herein referred to as the said Model), manufactured by M/s. Seok Scale Industries, 34, Shreenath Dawar Society, Opp. Sita Nagar, Punagam, Surat, Gujarat and which is assigned the approval mark IND/09/05/780;

The said Model (See the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 300 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 20 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50 kg. and upto 500 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

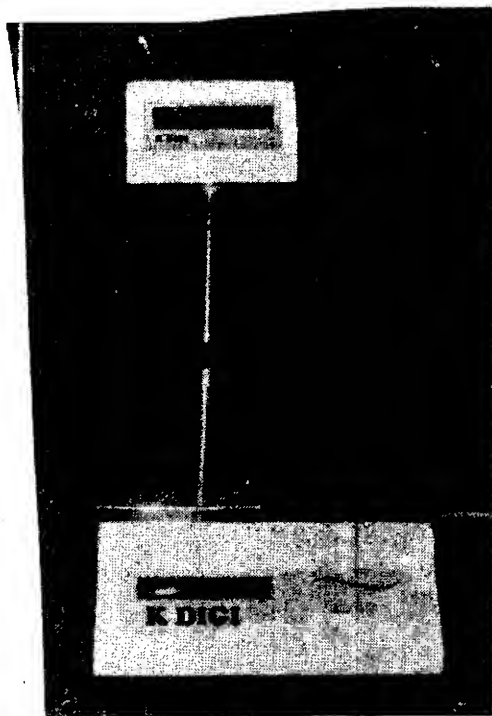
[F. No. WM-21(30)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का.आ. 550.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी अनुमोदित प्रमाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कीर्ति ट्रेडर्स, गणपति टावर, कनडिओ बाजार, जोधपुर, राजस्थान द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "के-टी जे" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "के-डी आई जी आई" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/581 सम्मनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या इससे अधिक के "ई" के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

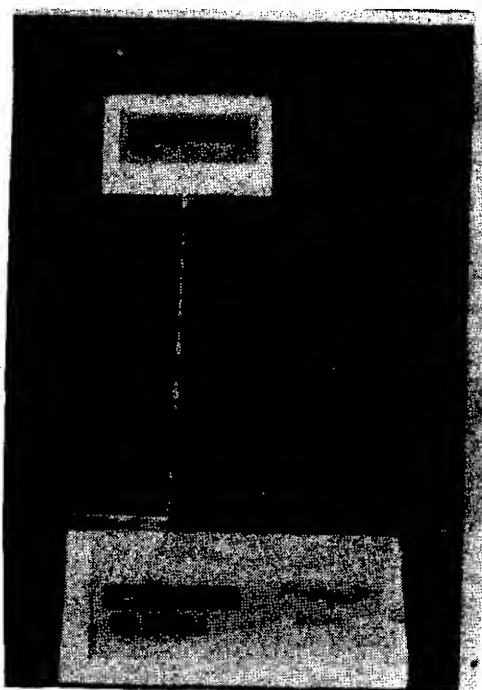
[फा. सं. डब्ल्यू एम-21(70)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 550.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "KTJ" series of high accuracy (Accuracy Class-II) and with brand name "K-DIGI" (hereinafter referred to as the said model), manufactured by M/s. Kirti Traders, Ganpati Tower, Kandio Bazar, Jodhpur, Rajasthan and which is assigned the approval mark IND/09/05/587:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

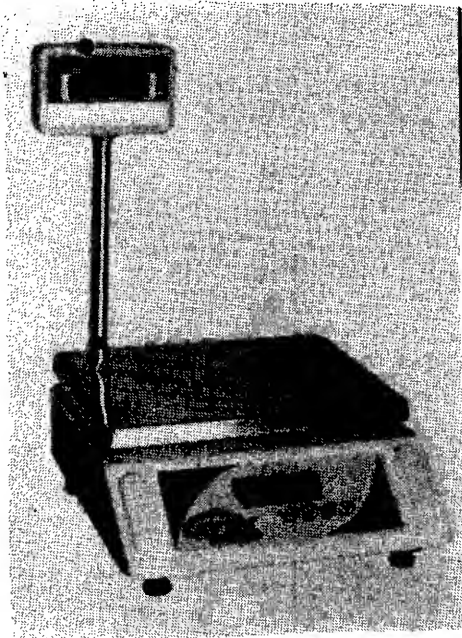
[F. No. WM-21(70)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का.आ. 551.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एवेक्स डिजिटल स्केल्स, केबिन-5, न्यू मानेक चौक मिल के निकट, ईदगाह रोड, प्रेम दरवाजा के बाहर, अहमदाबाद द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एवेक्स डिजिटल स्केल्स" शृंखला के अंकक सूचन सहित, अस्वचालित, इलैक्ट्रॉनिक तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एवेक्स डिजिटल स्केल्स" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/618 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 22 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

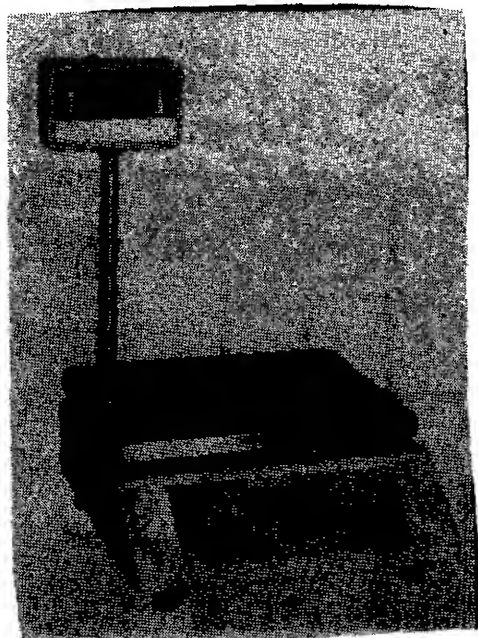
[फा. सं. डब्ल्यू एम-21(73)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 551.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "Avex Digital Scales" series of high accuracy (Accuracy Class-II) and with brand name "Avex Digital Scales" (hereinafter referred to as the said model), Manufactured by M/s. Avex Digital Scales, Cabin-5, Near New Manekchowk Mill, Idgah Road, Outside Premdarwaja, Ahmedabad and which is assigned the approval mark IND/09/05/618;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

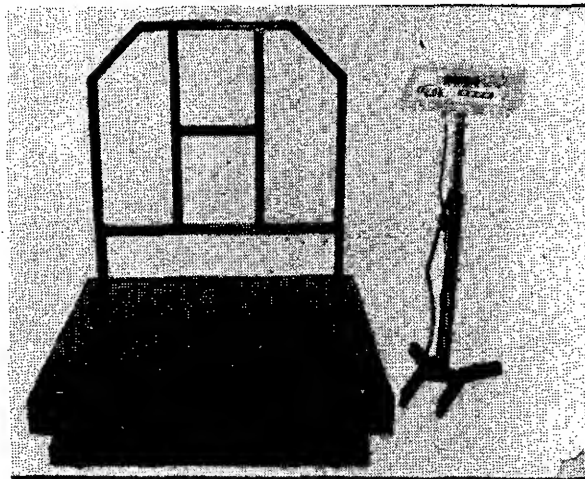
[F. No. WM-21(73)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का.आ. 552.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एवेक्स डिजिटल स्केल्स, केबिन-5, न्यू मानेक चौक मिल के निकट, ईदगाह रोड, प्रेम दरवाजा के बाहर, अहमदाबाद द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एवेक्स डिजिटल स्केल्स” श्रृंखला के अंकक सूचन सहित, अस्वचालित, इलैक्ट्रानिक तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एवेक्स डिजिटल स्केल्स” है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/619 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

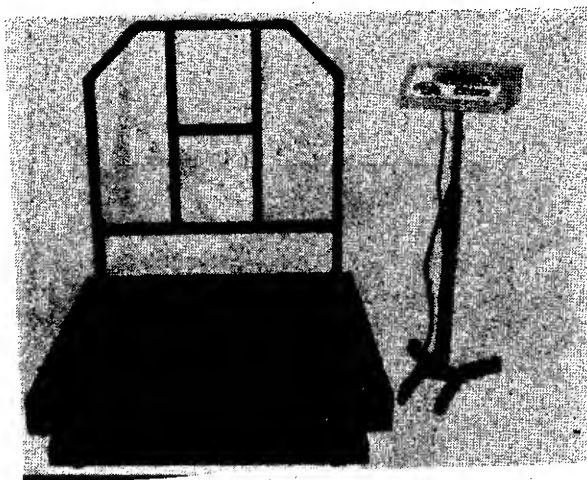
[फा. सं. डब्ल्यू एम-21(73)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 552.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model non-automatic weighing instrument (Platform type) with digital indication of "Avex Digital Scales" series of medium accuracy (Accuracy class-III) and with brand name "Avex Digital Scales" (hereinafter referred to as the said model), manufactured by M/s Avex Digital Scales, Cabin-5, Near New Manekchowk Mill, Idgah Road, Outside Premdarwaja, Ahmedabad Gujarat and which is assigned the approval mark IND/09/05/619;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 Kg. and upto 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. and more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

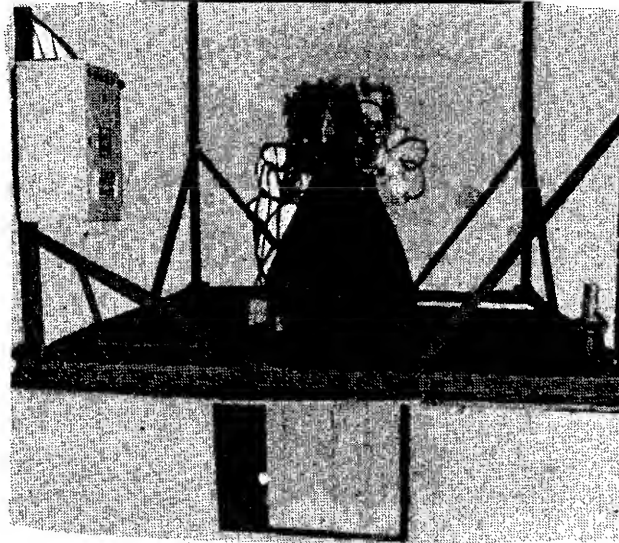
[F. No. WM-21(73)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का.आ. 553.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी अनुमोदित प्रमाण-पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एश्यूर सिस्टम्स, 16-5, मथुरा रोड, फरीदाबाद-121002 हरियाणा द्वारा विनिर्मित "ए एस-100" शृंखला के स्वचालित भरण उपकरण के मॉडल का, जिसके बांड का नाम "एश्यूर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/624 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित स्वचालित गुरुत्वमापी भरण उपकरण है। इसकी अधिकतम क्षमता 50 कि.ग्रा. है। इसकी अधिकतम भरण दर 400 थले/घंटा है। मशीन का डिजाइन मुक्त प्रवाह उत्पाद जैसे चाय, चीनी, चावल, बीज, दालें और अनाज आदि भरने के लिए है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के भरण मशीन भी होंगे जिनकी अधिकतम क्षमता 1 कि.ग्रा. से 100 कि.ग्रा. की रेंज में है।

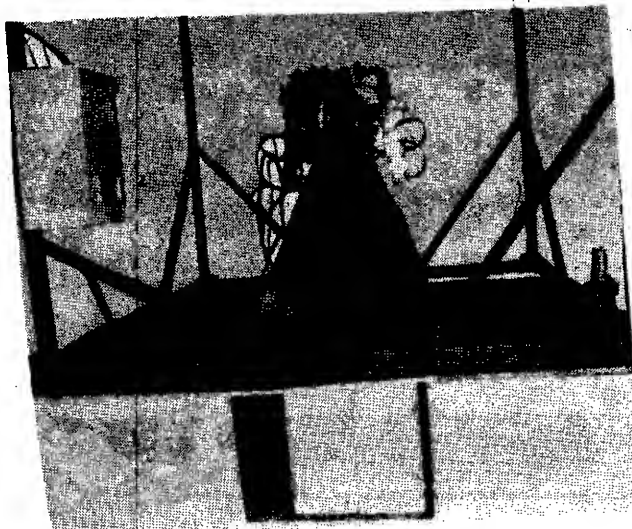
[फ़. सं. डब्ल्यू एम-21(114)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 553.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic gravimetric filling instrument of "AS-100" series with brand name "ASSURE" (herein referred to as the said Model), manufactured by M/s Assure Systems, 16/5, Mathura Road, Faridabad-121002, Haryana and which is assigned the approval mark IND/09/05/624;



The said model is a strain gauge type load cell based automatic gravimetric filling instrument. Its maximum capacity is 50 kg. It has a maximum fill rate of 400 bags per hour. The machine is designed for filling free flowing products like tea, sugar, rice, seeds, pulses, grains etc.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of same series with maximum capacity in the range of 1kg to 100 kg manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which the said approved Model has been manufactured.

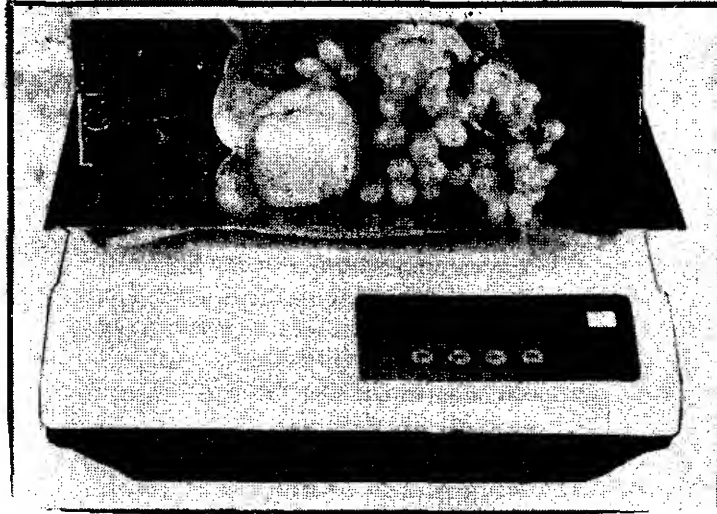
[F. No. WM-21(114)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का.आ. 554.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अक्षर डिग्री स्केल, जी-1/207, रीको इंडस्ट्रियल एरिया, कालादवास, आई आई डी सेन्टर, जामेर कोटरा रोड, उदयपुर-313001 राजस्थान द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ए डी एस टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एडीएस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/892 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फन. सं. डब्ल्यू एम-21(236)/2005]

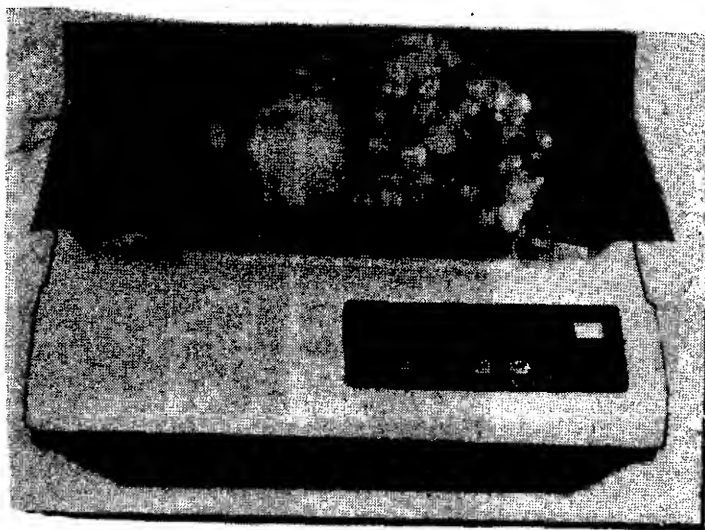
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 554.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "ADS" series of high accuracy (Accuracy class-II) and with brand name "ADS" (hereinafter referred to as the said model), manufactured by M/s. Akshar Digi Scale, G-1/207, RIICO Ind. Area, Kaladwas, I.I.D. Centre, Zamer Kotra Road, Udaipur-313 001, Rajasthan and which is assigned the approval mark IND/09/05/892;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-Section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50mg.— and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(236)/2005]

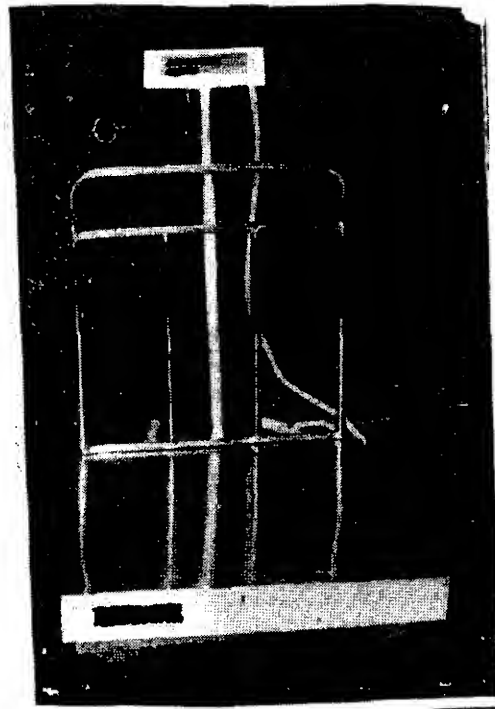
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का.आ. 555.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अक्षर डिगी स्केल, जी-1/207, रीको इंडस्ट्रियल एरिया, कालादवास, आई आई डी सेन्टर, जामेर कोटरा रोड, उदयपुर-313001 राजस्थान द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ए डी एस पी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एडीएस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/893 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 550 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(236)/2005]

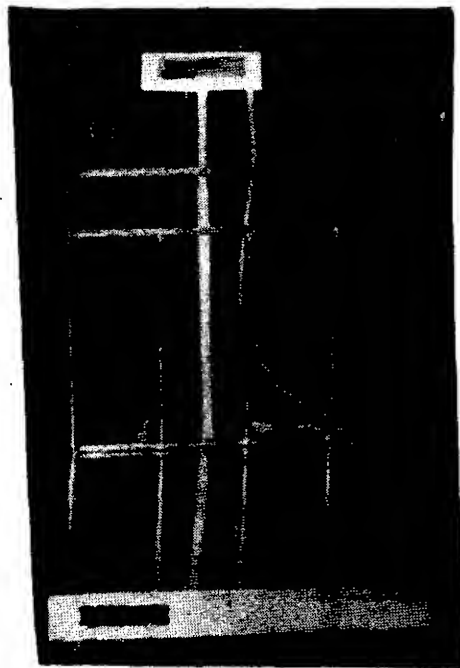
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 555 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "ADSP" series of high accuracy (Accuracy class-II) and with brand name "ADS" (herein after referred to as the said model), manufactured by M/s. Akshar Digi Scale, G-1/207, RIICO Ind. Area, Kaladwas, I.I.D. Centre, Zamer Kotra Road, Udaipur-313 001, Rajasthan and which is assigned the approval mark IND/09/05/893;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 550kg and minimum capacity of 2.5kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity ranging above 50 kg to 1000kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(236)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का.आ. 556.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स विनायक इंस्ट्रूमेंट्स, 4, एन टी मिल कम्पाउंड, जी वी बी पार्टी प्लाट के सामने, विष्णु पेट्रोल पम्प के सामने, सी टी एम, अहमदाबाद, गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "बी आई एस-टी टी" शृंखला के अंकक सूचन सहित अस्वचालित, तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "विजन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/738 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़. सं. डब्ल्यू एम-21(279)/2004]

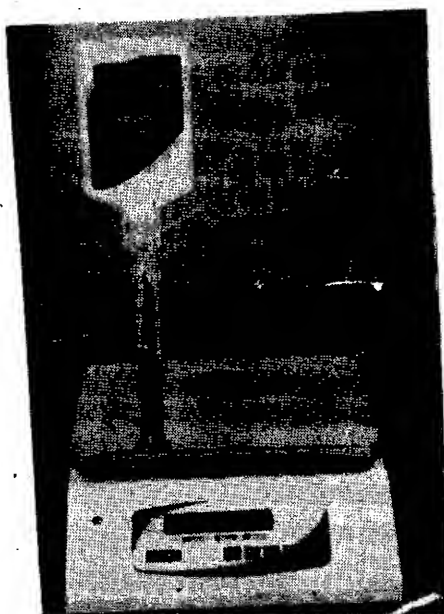
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 556.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of "VIS-TT" series of medium accuracy (accuracy class-III) and with brand name "VISION" (herein referred to as the said Model), manufactured by M/s. Vinayak Instruments, 4, N.T. Mill Compound, Opp. Jiviba party plot, Opp. Vishnu Petrol Pump, CTM, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/05/738;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(279)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का.आ. 557.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डेल्टा इंस्ट्रूमेंट्स, कंपनी, ए-411, लेन रोड नं. 28 वागले इस्टेट, थाने-400604 महाराष्ट्र द्वारा निर्मित विशेष यथार्थता (यथार्थता वर्ग-I) वाले "डी ए" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डेल्टा" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/156 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विद्युत चुम्बक बल प्रतिपूर्ति सिद्धांत पर आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1200 ग्रा. और न्यूनतम क्षमता 1 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 50000 से अधिक तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(318)/2004]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 557.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "DA" series of special accuracy (Accuracy class-I) and with brand name "DELTA" (herein referred to as the said model), manufactured by M/s. Delta Instrument Company, A-411, Lane-4, Road No. 28, Wagle Estate, Thane-400 604, Maharashtra and which is assigned the approval mark IND/09/2005/156;



The said model is a electromagnetic force compensation principle based non-automatic weighing instrument (Table top type) with a maximum capacity 1200g and minimum capacity of 1mg. The verification scale interval (e) is 10mg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range above 50,000 for 'e' value of 1mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

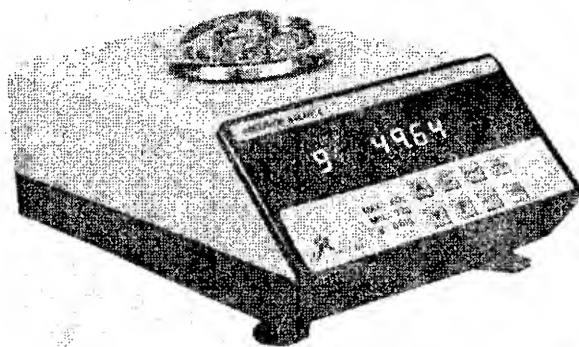
[F. No. WM-21(318)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का. आ. 558.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अध. केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स डेल्टा इन्स्ट्रूमेंट कंपनी, ए-411, लेन रोड नं. 28, बागले इस्टेट, थाने-400 604 महाराष्ट्र द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-11) वाले "डी बी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (डेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डेल्टा" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन क्र. 558/2005/157 मधुमेष्ट्रिय किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अंकक सूचन सहित भार सेल सिद्धांत पर कार्य करने वाला (डेबलटॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 350 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अन्तर्गत (ई) का मान 10 मि. ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलन-आत्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कण्टेनरों, थैलियों में सामान को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेट्र. यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्रा. तक 'ई' मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अन्तर्गत (एन) और 100 मि. ग्राम या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अन्तर्गत (एन) मॉडल 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो उक्त अंकक सूचनात्मक पूर्णांक या शून्य के समतुल्य हैं।

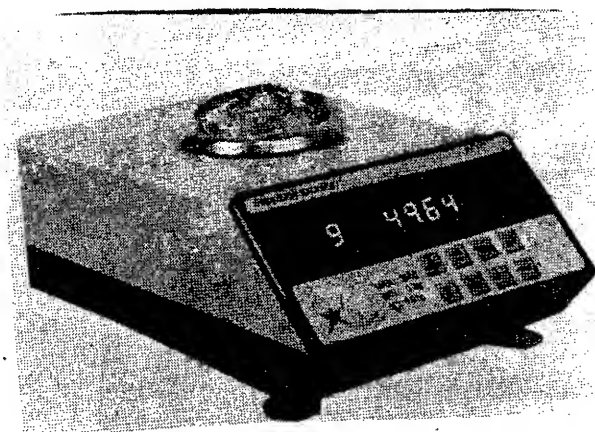
[फा.सं. डब्ल्यू एम-21(318)/2005]

पी. ए. कुष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 558 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "DB" series of high accuracy (Accuracy class-II) and with brand name "DELTA" (hereinafter referred to as the said model), manufactured by M/s. Delta Instrument Company, A-411, Lane-4, Road No. 28, Wagle Estate, Thane-400 604 Maharashtra and which is assigned the approval mark IND/09/2005/157;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) working on the principle of load cell with digital indication of maximum capacity 350g and minimum capacity of 200mg. The value verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

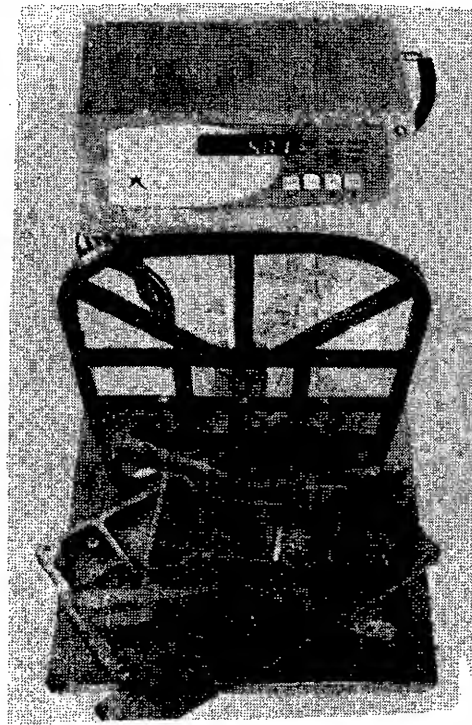
[F. No. WM-21(318)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 18 जनवरी, 2006

का. आ. 559.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डेल्टा इंस्ट्रुमेंट्स कंपनी, ए-411, लेन रोड नं. 28, वागले इस्टेट, थाने-400604 महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डी एल" शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डेल्टा" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/158 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (प्लेटफार्म प्रकार का) दोहरी रेंज वाला तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यपान मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। द्रव क्रिस्टल संप्रदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

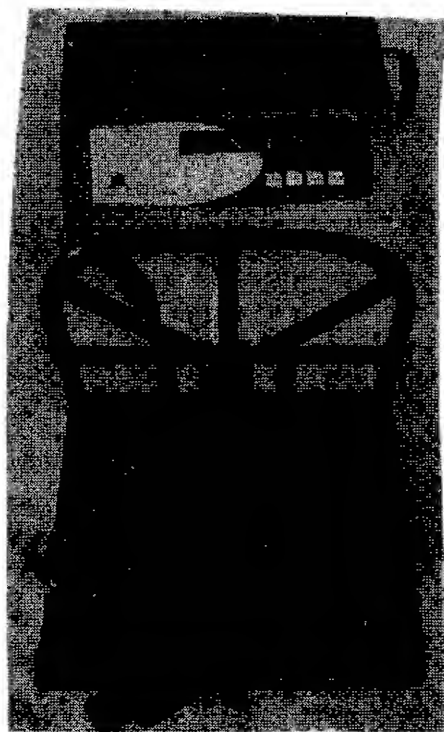
[फा.सं. डब्ल्यू एम-21(318)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th January, 2006

S.O. 559 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "DL" series of medium accuracy (Accuracy class-III) and with brand name "DELTA" (herein referred to as the said model), manufactured by M/s. Delta Instrument Company, A-411, lane-4, Road No. 28, Wagle Estate, Thane-400 604 Maharashtra and which is assigned the approval mark IND/09/2005/158;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) of dual range with a maximum capacity 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. up. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

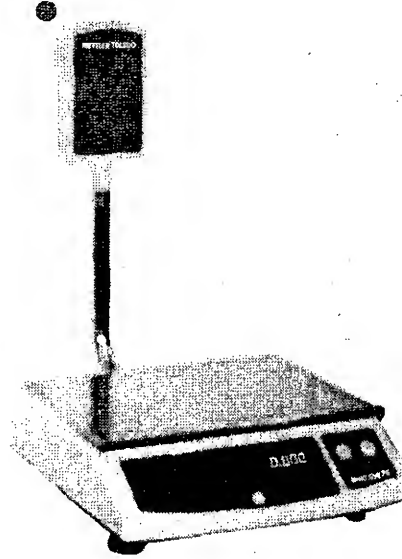
[F. No. WM-21(318)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 20 जनवरी, 2006

का. आ. 560 :—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी अनुमोदित प्रमाणपत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मेटलर टोलीडो इण्डिया प्रा. लि. अमर हिल्स, साकों विहार रोड, पोवई, मुंबई-400072 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “रीटेल किंग एस डब्ल्यू” शृंखला के अंकक सूचन प्रकार अस्वचालित दोहरे रेंज के (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मेटलर टोलीडो” है (जिसमें इसमें इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/655 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित तौलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. से 10 कि.ग्रा. और 10 कि.ग्रा. से अधिक 2 ग्रा. और 20 कि.ग्रा. तक है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्रा. तक ‘ई’ मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

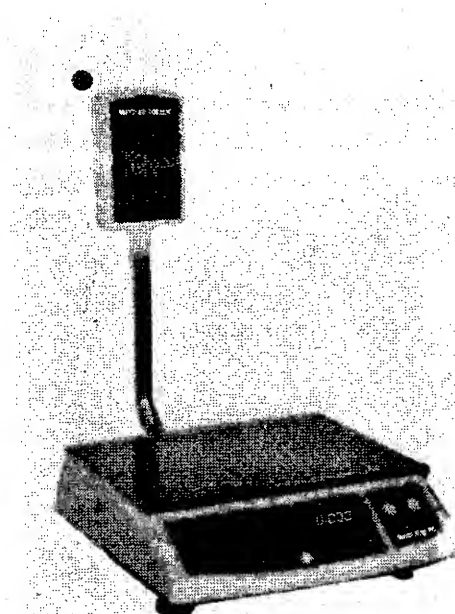
[फा.सं. डब्ल्यू एम-21(38)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th January, 2006

S.O. 560 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic dual range weighing instrument (Table top type) with digital indication belonging to high accuracy (Accuracy class-II) of 'Retail King SW' series with brand name "Mettler Toledo" (herein referred to as the said model), manufactured by M/s. Mettler Toledo India Private Limited, Amar Hills, Saki Vihar Road, Mumbai 400072 and which is assigned the approval mark IND/09/05/655;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type). Its maximum capacity is 20kg and minimum capacity 50g. The value of verification scale interval (e) is 1g up to 10kg and 2g above 10kg and up to 20kg. It has a tare device with a 100 percent subtractive tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

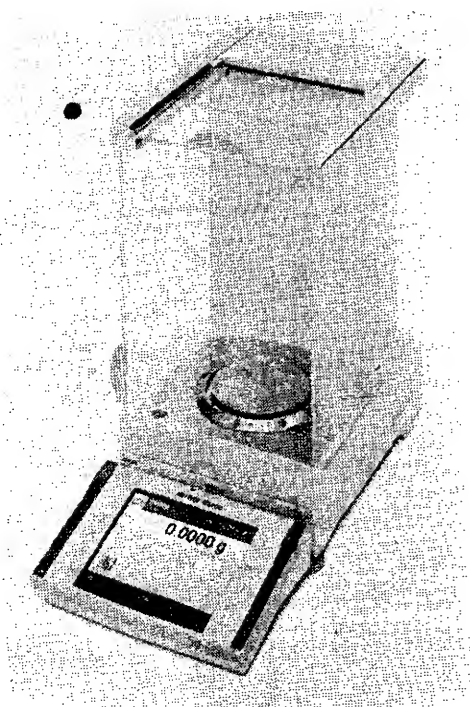
[T. No. WM-21(38)/2005]

B. A. KRISHNACHANDRAN, Director of Legal Metrology

नई दिल्ली, 23 जनवरी, 2006

का. आ.561.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा फिसिकलेश टेक्नीस्के बेंडेसैरटालट(पी टी बी), जर्मनी द्वारा अनुमोदन प्रमाणपत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तीसरे परन्तुक और धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मैटलर टोलिडो गम्बएच, आईएम लांगयेर 8606 ग्रीफेन्सी स्विटजरलैंड द्वारा विनिर्मित और भारत में मैटलर टोलिडो इण्डिया प्रा० लि० अमर हिल्स, एस वी रोड पोवई मुंबई-400072 द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए विशेष यथार्थता वर्ग (यथार्थता वर्ग I) वाले "एक्स पी एंड एक्स एस" श्रृंखला के अंकक सूचन सहित अस्वचालित, इलैक्ट्रॉनिक तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटलर टोलिडो" है और जिसे अनुमोदन चिन्ह आई एन डी/13/05/554 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक यांत्रिक और मापने वाले सैल आधारित अस्वचालित (टेबल टोप प्रकार के) तोलन उपकरण हैं। इसकी अधिकतम क्षमता 1210 ग्रा., ई=1 ग्रा. या 210 ग्रा., ई=1 मि.ग्रा. है। सत्यापन मापमान अन्तराल का मान ≤ 410000 के लिए ≥ 1 मि.ग्रा. इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्याकलनात्मक धारित आधेयतुलन प्राभाव है। द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांक के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

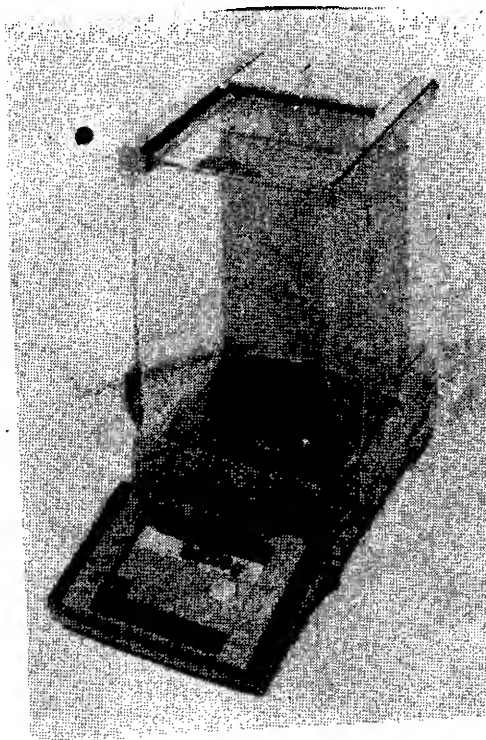
[फा.सं. डब्ल्यू एम-21(82)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd January, 2006

S.O. 561 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Physikalisch -Technische Bundesanstalt (PTB), Germany is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso to Sub-section (3) and Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table top type) with digital indication of special accuracy class (Accuracy class-I) and of series 'XP and XS' with brand name 'Mettler&Toledo' and manufactured by M/s Mettler-Toledo GmbH, Im Langacher, 8606 Grefensee, Switzerland and sold in India without any alteration or additions by M/s Mettler-Toledo India Private Limited, Amar Hills, S.V. Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/13/05/554.



The said model is an electronic and measuring cell based non-automatic weighing instrument (Table Top type) with maximum capacity of 1210g. $e=1\text{mg}$. or 210g. with $e=1\text{mg}$. Number of verification scale interval $\leq 410,000$ for $e \geq 1\text{mg}$. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

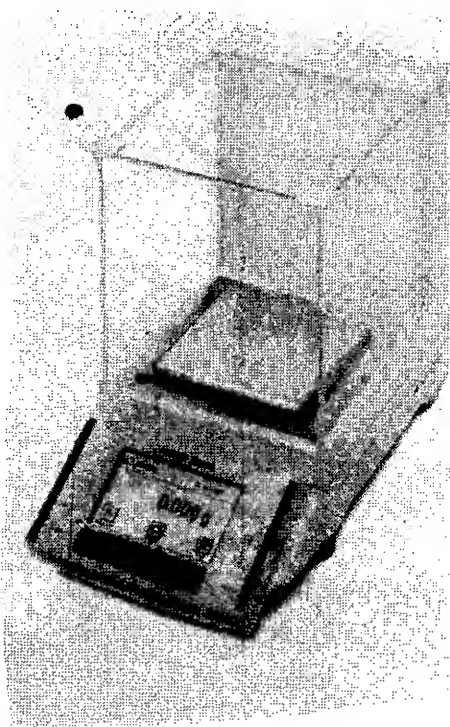
[F. No. WM-21(82)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जनवरी, 2006

का. आ. 562.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा फिजीकलेश टेक्नीस्के बेंडेसेरटालट (पी टी बी), जर्मनी द्वारा अनुमोदन प्रमाण पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उप-धारा (3) के तीसरे परन्तुक और धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स 'मैटलर टोलिडो गम्बएच, आईएम लांगवेर, 8606 ग्रीफेन्सी, स्विटजरलैंड द्वारा निर्मित और भारत में मैटलर टोलिडो इण्डिया प्रा० लि०, अमर हिल्स, एस. पी. रोड, पोवई, मुंबई-400 072 द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए विशेष यथार्थता वर्ग (यथार्थता वर्ग-I) वाले एक्स पी एंड एक्स "एस" श्रृंखला के अंकक सूचन सहित अस्वचालित, इलेक्ट्रॉनिक तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटलर टोलिडो" है और जिसे अनुमोदन चिन्ह आई एन डी/09/05/554A समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और पञ्जाब में



उक्त मॉडल एक यांत्रिक और मापने वाले सैल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता ≤ 210 ग्रा. से अधिक ई=10 मि.ग्रा. $d \leq$ स्थापन मापमान अन्तराल का मान ≤ 51000 के लिए ई ≥ 1 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकण के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

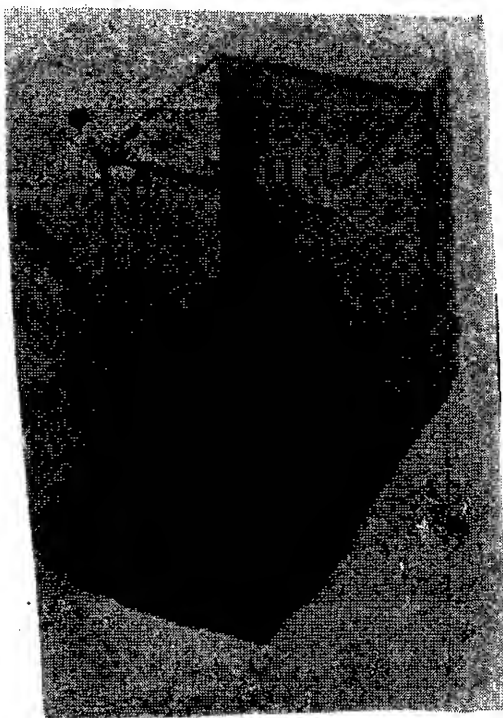
[फा.सं. डब्ल्यू एम-21(82)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd January, 2006

S.O. 562.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Physikalisch—Technische Bundesanstalt (PTB), Germany is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Table top type) with digital indication of special accuracy class (Accuracy class-I) and of series 'XP and XS' with brand name 'Mettler & Toledo' and manufactured by M/s. Mettler-Toledo GmbH, Im Langacher, 8606 Grefensee, Switzerland and sold in India without any alteration or additions by M/s. Mettler-Toledo India Private Limited, Amar Hills, S. V. Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/13/05/554A;



The said Model is an electronic and measuring cell based non-automatic weighing instrument (Table Top type) with maximum capacity $\leq 210g$, $e=10mg$. with number of verification scale interval $n \leq 510,000$ for $e \geq 1mg$. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

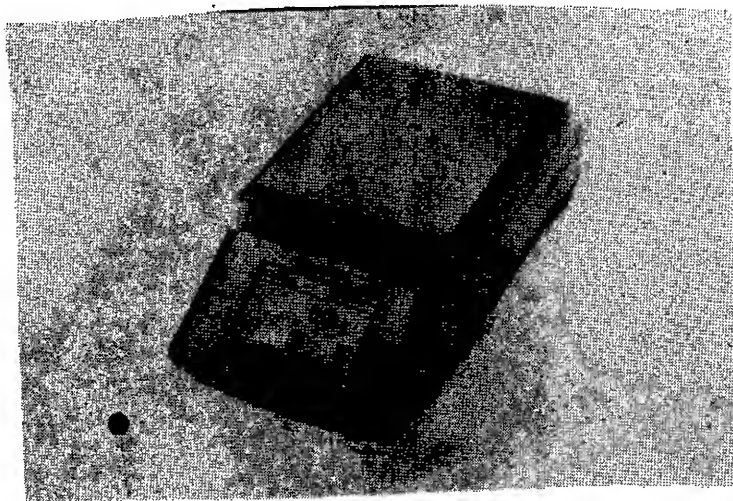
[F. No. WM-21(82)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 जनवरी, 2006

का.आ. 563.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा फिसीकलेश टेक्नीस्के बेंडेसॅरटालट (पी टी बी), जर्मनी, द्वारा अनुमोदन प्रमाण-पत्र उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की उप-धारा (3) के तीसरे परन्तुक और धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मैटलर टोलिडो गम्बएच, आईएम लांगयेर 8606 ग्रीफेन्सी स्विटजरलैण्ड द्वारा निर्मित और भारत में मैटलर टोलिडो इण्डिया प्रा.लि. अमर हिल्स, एस. सी. रोड पोवई मुंबई-400072 द्वारा बिना किसी परिवर्तन और परिवर्धन के बिक्री किए गए उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "एक्स पी एंड एक्स एस" शृंखला के अंकक सूचन सहित, अस्वचालित, इलेक्ट्रॉनिक तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटलर टोलिडो" है और जिसे अनुमोदन चिह्न आई एन डी/13/05/555 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक यांत्रिक और मापने वाले सैल आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता 210 ग्रा., ई = 10 मि. ग्रा. या 12100 ग्रा., ई = 1 ग्रा. है। सत्यापन मापमान अंतराल का मान $\leq 510,000$ के लिए ई ≥ 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

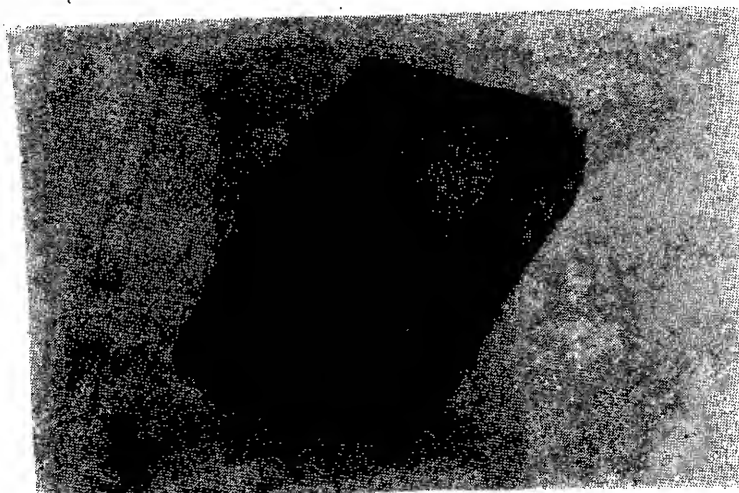
[फा. सं. डब्ल्यू एम-21(82)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd January, 2006

S.O. 563.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Physikalisch-Technische Bundesanstalt (PTB), Germany is satisfied that the Model described in the said report (See the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso to Sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the Model of the non-automatic weighing instrument (Table top type) with digital indication of high accuracy class (Accuracy Class-II) and of series 'XP & XS' with brand name 'Mettler-Toledo' and manufactured by M/s. Mettler-Toledo GmbH, Im Langacher, 8606 Grefensee, Switzerland and sold in India without any alteration or additions by M/s. Mettler-Toledo India Private Limited, Amar Hills, S.V. Road, Powai, Mumbai-400072 and which is assigned the approval mark IND/13/2005/555;



The said Model is an electronic and measuring cell based non-automatic weighing instrument (Table top type) with maximum capacity of 210g. $e = 10\text{mg.}$ or maximum capacity 12100g. $e = 1\text{g.}$ in respect of verification scale interval $n \leq 510,000$ for $e \geq 10\text{mg.}$ It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

[F. No. WM-21(82)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जनवरी, 2006

का.आ. 564.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्वास्तिक इण्डस्ट्रीज, एंड्रज कम्पाउंड, जेनिता ओटो वर्क्स के पास, नवा पाडा रोड, मारोल नाका, अंधेरी (ईस्ट) मुंबई-400059 द्वारा विनिर्मित प्राविंग तोलन के मॉडल का, जिसके ब्राण्ड का नाम "स्वास्तिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/290 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल बेलनाकार ढांचा शंकुकार सिरे में वेल्ड किया है, प्रोविंग तोलन है जो टंकी में पानी डालते समय द्रवों में निस्प्रवाह को सुनिश्चित करता है। बर्तन का ढांचा नरम इस्पात से बना है और पृष्ठ ईपोस्की कोट से लाइन किया गया है। व्यासमापन उपाय पूर्णतः वेल्ड निर्माण है, तल शंकु को लगाने के लिए टंकी के अप्रवाहिका प्रचालन में सहायता के लिए एक आउटलेट अप्रवाहिका वाल्व है। ऊपरी शंकु "शंकुकार" गर्दन सहित लगा है, चूल पर ऊपरी कवर टंकी में गंदगी के प्रवेश को रोकने के लिए लगा है। ऊपरी गर्दन गेज कांच सहित है जो द्रव के स्तर को निर्दिष्ट करता है। इसकी अधिकतम क्षमता 2000 लिटर है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के प्रोविंग तोलन उपकरण भी होंगे।

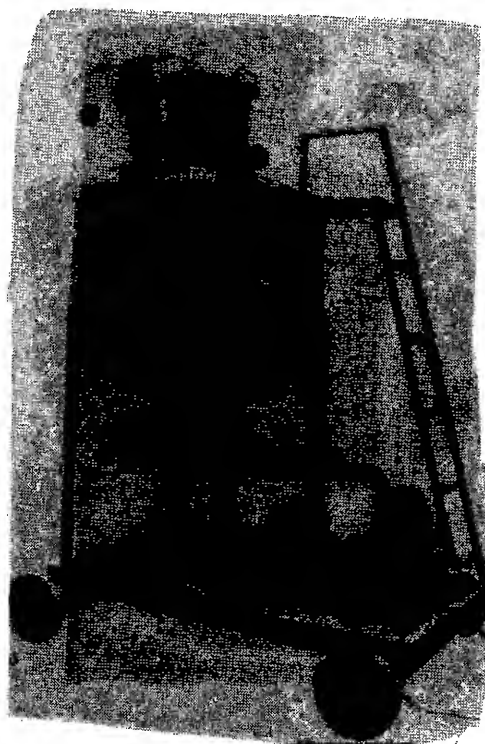
[फा. सं. डब्ल्यू एम-21(39)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th January, 2006

S.O. 564.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Proving Measure (herein referred to as the model) with brand name "SWASTICK", manufactured by M/s Swastik Industries, Andrews Compound, near Zenita Auto Works, Navapada Road, Marol Naka, Andheri (East), Mumbai-400 059 and which is assigned the approval mark IND/09/2004/290;



The model is a Proving Measure, consists of a cylindrical body welded between conical ends, which ensure free flow of liquids while draining the tank. The body of the vessel is made of mild steel and internal surface lined with epoxy coating. Calibrating measures is of fully-welded construction; fitted to the bottom cone is an outlet drain valve to assist in draining operation of the tank. The top cone is fitted with a neck having a conical, hinged top cover to prevent ingress of dirt in the tank. Top neck is provided with the gauge glass which indicate the level of the liquid. Its maximum capacity is 2000 litre.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the proving measure of similar make, accuracy and performance of same series with maximum capacity range of 50 litre to 5000litre manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

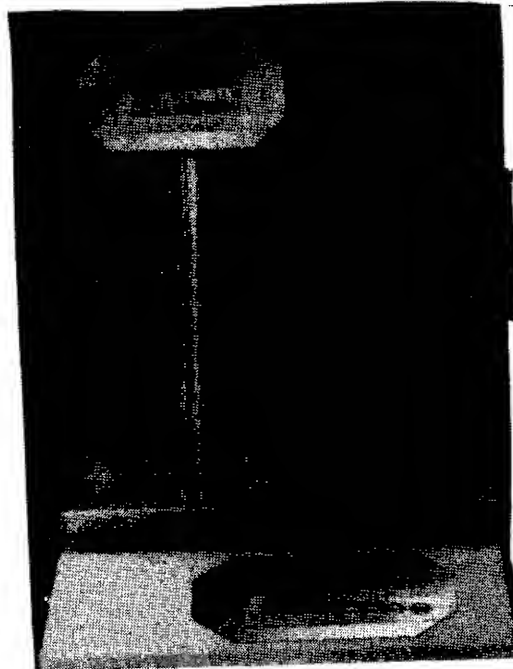
[F. No. WM-21(39)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जनवरी, 2006

का.आ. 565.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आन वे इनस्ट्रूमेंट्स, 7-76, चौथी माइल, नावलक गार्डन, नैलूर, आंध्रप्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ओ डब्ल्यू-टी बी" शृंखला के दोहरी रेंज अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टोप प्रकार) के माडल का, जिसके ब्रांड का नाम "आन वे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/292 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित दोहरी रेंज का (टेबल टोप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 6 कि. ग्रा. तक के लिए 1 ग्राम और 6 किलो ग्राम से अधिक और 12 किलोग्राम तक के लिए 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कंपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

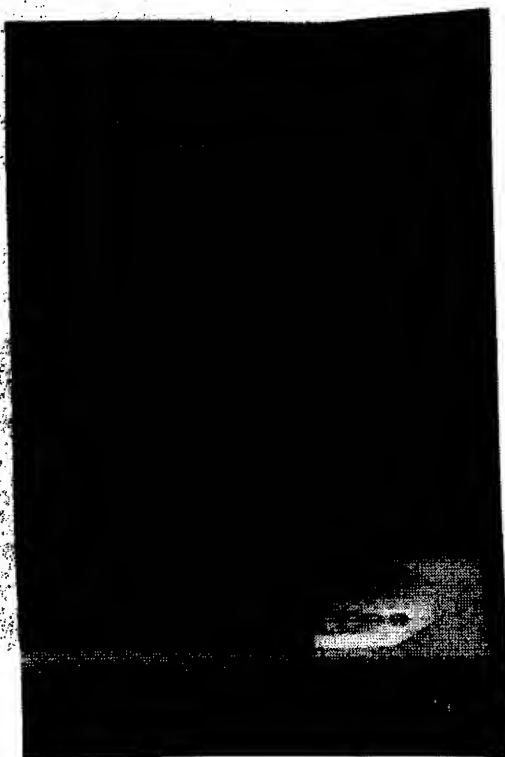
[फा. सं. डब्ल्यू एम-21(329)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th January, 2006

S.O. 565.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) of dual range with digital indication of "OW-TB" series of medium accuracy (Accuracy class-III) and with brand name "ON-WEIGH" (hereinafter referred to as the said model), manufactured by M/s On-Weigh Instruments, 7-76, 4th Mile, Navalk Gardens, Nellore, Andhra Pradesh and which is assigned the approval mark IND/09/2005/292;



The said model is strain gauge type load cell based non-automatic weighing instrument (Table top type) of dual range with a maximum capacity of 12kg and minimum capacity of 20g. The verification scale interval (e) is 1g up to 6 kg and 2g above 6kg and up to 12 kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

And further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity up to 50kg verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

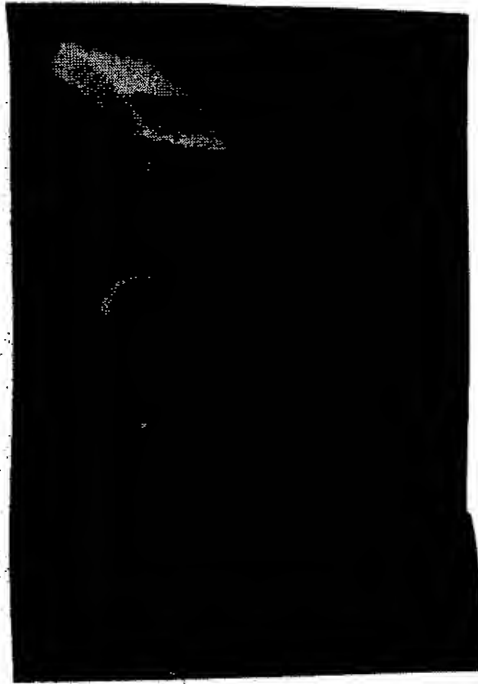
[F. No. WM-21(329)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 30 जनवरी, 2006

का.आ. 566.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स आन वे इनस्ट्रुमेंट्स, 7-76, चौथी माइल, नावलक गार्डन, नैलूर, आंध्रप्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ओ डब्ल्यू-पी बी" शृंखला के दोहरी रेंज का अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आन वे" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह्व आई एन डी/09/05/293 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित दोहरी रेंज का (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 300 कि. ग्रा. तक के लिए 100 ग्राम और 300 किलो ग्राम से अधिक और 600 किलोग्राम तक के लिए 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री, से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है; विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 1000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(329)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 30th January, 2006

S.O. 566.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) of dual range with digital indication of "OW-PB" series of medium accuracy (Accuracy class-III) and with brand name "ON-WEIGH" (hereinafter referred to as the said model), manufactured by M/s On-Weigh Instruments, 7-76, 4th Mile, Navalk Gardens, Nellore, Andhra Pradesh and which is assigned the approval mark IND/09/2005/293;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) of dual range with a maximum capacity of 600kg and minimum capacity of 2kg. The verification scale interval (e) is 100g up to 300kg and 200g above 300kg and up to 600kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity above 50kg and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(329)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

जयपुर, 24 जनवरी, 2006

का.आ. 567.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उप नियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से समाप्त कर दिया गया है :—

अनुसूची

क्रम सं.	लाइसेंस सं. (सीएम/एल)	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द/स्थगित करने की तिथि
01	8375790	मै. अंकित सीमेंट कं. कोटपुतली	455	10-08-2005
02	8505373	मै. राजस्थान इंजीनियर्स एंड कंस्ट्र. धोलपुर	13487	31-08-2005
03	8550883	मै. स्लिन वाटर प्रूफ, धोलपुर	2645	01-08-2005

[सं. सीएमडी-1/13:13]

एस. एम. भाटिया, उप महानिदेशक (मुहर)

(BUREAU OF INDIAN STANDARDS)

Jaipur, the 24th January, 2006

S.O. 567.—In pursuance of sub-regulation (6) of regulation (5) of the Bureau of Indian Standards (Certification) Regulation, 1988, it is hereby notified that the Certification Marks Licences, details of which are mentioned in the following schedules, have expired.

SCHEDULE

Sl. No.	Licence No. (CM/L)	Name of the Licensee	Number of the relevant Indian Standard	Date of Expiry
1.	8375790	M/s Ankit Cements Co., Kotputli	IS : 455	10-08-2005
2.	8505373	M/s Rajasthan Engineers & Cont., Dholpur	IS : 13487	31-08-2005
3.	8550883	M/s Sleen Water Proof, Dholpur	IS : 2645	01-08-2005

[No. CMD-1/13 : 13]

S. M. BHATIA, Dy. Director General (Marks)

नई दिल्ली, 25 जनवरी, 2006

का.आ. 568.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	आईएस 3074: 2005 मोटर वाहन हेतु इस्पात नलिकाएं—विशिष्ट (दूसरा पुनरीक्षण)	आईएस 3074 : 1979	30 सितम्बर, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 19/टी-7]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 25th January, 2006

S.O. 568.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & Year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
1	IS 3074 : 2005 Steel Tubes for Automotive Purposes—Specification (Second Revision)	IS 3074 : 1979	30 September, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 19/T-7]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 30 जनवरी, 2006

का.आ. 569.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो अतः अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम सं.	संशोधित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	7809 (भाग 1) : 1975, विद्युत प्रयोजनों के लिए दाब संवेदी आसंजक टेप : भाग 1 सामान्य अपेक्षाएं	01 जनवरी, 2006	17 जनवरी, 2006

इस भारतीय संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. : ईटी 02/टी-30]

पी. के. मुखर्जी, वैज्ञानिक एफ एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 30th January, 2006

S.O. 569.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the amendment to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Amendment	Date from which the Amendment shall have effect
1	IS 7809(Part 1) : 1975, Pressure sensitive adhesive tapes for electrical purposes : Part 1 General requirements	01 January, 2006	17 January, 2006

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 02/T-30]

P. K. MUKHERJEE, Sc. 'F' & Head (Electrical Technical)

जयपुर, 31 जनवरी, 2006

का.आ. 570 .— भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के उपविनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस सं./ तिथि/वर्ष/माह	स्वीकृत करने की तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा भाग अनु वर्ष
(1)	(2)	(3)	(4)	(5)	(6) (7)
01.	8661993	04-08-2005	मै. सुरभि सीमेंट प्रा.लि., जी 100-102, 114-115, रीको औ. क्षेत्र, रतनगढ़	43 ग्रेड ओपीसी	8112 1989
02.	8661791	04-08-2005	मै. मल्टी मेटल्स लि., हेवी औ. क्षेत्र, कोटा	एसीएसआर	398(पी 2) 1996
03.	8661892	04-08-2005	मै. गौतम इंडस्ट्रीज, जी 27, रीको औ.क्षेत्र, नोखा	पीवीसी इन्सुलेटेड केबल	694 1990
04.	8662288	09-08-2005	मै. श्री बालाजी इंड., जी 37, रीको औ.क्षेत्र, नोखा	पीवीसी इन्सुलेटेड केबल	694 1990
05.	8662591	11-08-2005	मै. एच पी एम इंड. लि., 209, एमआईए औ., अलवर	बुलाक्लोर 50% ईसी	9356 1980
06.	8662995	11-08-2005	मै. जेडी इंड. इंडिया लि., एसपी 288-298, रीको औ. क्षेत्र, भिवाडी	स्टील ट्यूब	1161 1998
07.	8663189	16-08-2005	मै. स्वास्तिक प्लाईबोर्ड लि. एसपी 106, रीको औ. क्षेत्र, बस्सी, जयपुर	मेरिन प्लाईबोर्ड	710 1976
08.	8662845	23-08-2005	मै. हाईटेक इंड., एफ 441 रोड नं. 13, वि औ. क्षेत्र, जयपुर	वैलिंग इलेक्ट्रॉड	814 2004
09.	8665092	26-08-2005	मै. आर के इंड., एच 219 डी, सरना डुंगर रीको औ. क्षेत्र, जयपुर	प्लाईवुड फार जनरल परपज	303 1989

[सं. सीएमडी-1/13: 11]

एस. एम. भाटिया, उप महानिदेशक (मुहर)

Jaipur, the 31st January, 2006

S.O. 570.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification Regulation, 1988) the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedules.

SCHEDULE

Sl. No.	Licence No. (CM/L)	Operative Date	Name and Address of the Licensee	Article/Process covered by the licences and the relevant IS : Designation
(1)	(2)	(3)	(4)	(5)
01.	8661993	2005-08-04	M/s. Surabhi Cement Pvt. Ltd., G-100 to 102, 114, 115, RIICO Industrial Area, Ratangarh.	43 Grade OPC IS : 8112-1989
02.	8661791	2005-08-04	M/s. Multimetal Ltd., Heavy Industrial Area, Kota (Raj.)	ACSR IS 398(Pt. 2) : 1996
03.	8661892	2005-08-04	M/s. Gautam Industries, G-27, RIICO Industrial Area, Nokha-334803 (Raj.)	PVC Insulated Cable IS : 694-1990
04.	8662288	2005-08-09	M/s. Shri Balaji Industries, G-31, RIICO Industrial Area, Nokha-334803 (Raj.)	PVC Insulated Cable IS : 694-1990
05.	8662591	2005-08-11	M/s. HPM Industries Ltd., 209, MIA Industrial Area, Alwar-301030 (Raj.)	Butachlor 50% EC IS : 9356-1980
06.	8662995	2005-08-11	M/s. J.D. Industries (India) Ltd., SP-288-298, RIICO Industrial Area, Bhiwadi-301019 (Raj.)	Steel Tube IS : 1161-1998
07.	8663189	2005-08-16	M/s. Swastik Plyboard Ltd., SP-106, RIICO Industrial Area, Bassi-303301, Jaipur (Raj.)	Marine Plyboard IS : 710 : 1976
08.	8662845	2005-08-23	M/s. Hi-Tech Industries, F-441, Road No. 13, V.K.I. Area, Jaipur-302013	Welding Electrodes IS : 814-2004
09.	8665092	2005-08-26	M/s. R.K. Industries, H-219 D, Sarna Dungar, RIICO Industrial Area, Jaipur.	Plywood for General Purpose IS 303 : 1989

[No. CMD-1/13 : 11]

S.M. BHATIA, Dy. Director General (Marks)

जयपुर, 31 जनवरी, 2006

क्र.आ. 571—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उप नियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द कर दिया गया है :—

अनुसूची

क्रम	लाइसेंस सं.	लाइसेंसधारी का नाम व पता	लाइसेंस के अन्तर्गत वस्तु/ प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
01.	8568195	मै० संजय विला प्रा.लि., भिवाडी	एसी प्रेशर पाईप्स 1592	09-03-2005
02.	8568296	मै० कोनेश पाईप इण्ड., जयपुर	एसी प्रेशर पाईप्स 1592	09-08-2005
03.	8619994	मै० कुबेर सीमेंट प्रा.लि., रतनगढ़	43 ग्रेड ओपीसी 8112	26-08-2005

[सं. सीएमडी-1/13 : 13]

एस.एस. भाटिया, उप महानिदेशक (मुहर)

Jaipur, the 31st January, 2006

S.O. 571.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulation, 1988, the Bureau of Indian Standards, hereby notifies that the licence(s) particulars of which is/are given below has/have been cancelled with effect from the date indicated :

SCHEDULE

Sl. No. (CM/L-)	Name and Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1. 8568195	M/s. Sanjay Villa Pvt. Ltd., Bhiwadi	Ac Pressure Pipe IS : 1592	09-08-2005
2. 8568296	M/s. Yogesh Pipe Industries, Jaipur	Ac Pressure Pipe IS : 1592	08-08-2005
3. 8619994	M/s. Kuber Cement Pvt. Ltd., Ratangarh.	43 Grade OPC IS : 8112	26-08-2005

[No. CMD-1/13 : 13]

S. M. BHATIA, Dy. Director General (Marks)

नई दिल्ली, 2 फरवरी, 2006

का.आ. 572.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 2692 : 1989	3 दिसम्बर, 2005	27 जनवरी, 2006

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी/राजपत्र]

जे. सी. अरोड़ा, वैज्ञानिक "ई" व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 2nd February, 2006

S.O. 572.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 2692 : 1989	3 December, 2005	27 January, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED/Gazette]

J.C. ARORA, Sc. 'E' & Head (Civil Engg.)

नई दिल्ली, 3 फरवरी, 2006

का.आ. 573.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 3832 : 2005 हस्तचालित चैन पुली ब्लॉक—विशिष्ट (तीसरा पुनरीक्षण)	संशोधन सं. 1, दिसम्बर, 2005	1 फरवरी, 2006

इस संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमईडी/जी-2 : 1]

सी. के. वेदा, वैज्ञानिक-‘एफ’ एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 3rd February, 2006

S.O. 573.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1.	IS 3832 : 2005 Hand operated Chain pulley block—Specification (Third Revision)	Amendment No. 1, December, 2005	1 February, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2 : 1]

C. K. VEDA, Sc. ‘F’ & Head (Mechanical Engineering)

नई दिल्ली, 3 फरवरी, 2006

का.आ. 574.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3832 : 2005 हस्तचालित चैन पुली ब्लॉक—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 3832 : 1986 हस्तचालित चैन पुली ब्लॉक—विशिष्ट (दूसरा पुनरीक्षण)	1 फरवरी, 2006

(1)	(2)	(3)	(4)
2.	आई एस 15104 (भाग 5) : 2005/ आई एस ओ 8442-5 : 2004 खाद्य पदार्थों के संपर्क आने वाली सामग्री के लिए छुरी कटि और टेबल कटोरी के भाग 5 फटलरी की धार के लिए धार का रखने पर वर्णन	—	1 दिसम्बर, 2005

इस सूची में दी गई प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमईडी/जी-2:1:1]

सी.के. वेदा, वैज्ञानिक-‘एफ’ एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 3rd February, 2006

5 (2). 574.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule here annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 3832:2005 Hand-operated chain pulley block— Specification (Third Revision)	IS 3832: 1986 Hand-operated chain pulley block— Specification (Second Revision)	1 February, 2006
2.	IS 15104 (Part 5) : 2005/ISO 8442-5 : 2004 Materials and articles in contact with food, table cutlery and table knives—Part 5 Specification for sharpness and edge retention test of cutlery	—	1 December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2:1:1]

C. K. VEDA, Sc. ‘F’ & Head (Mechanical Engineering)

नई दिल्ली, 3 फरवरी, 2006

का.आ. 575.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1.	आई एस 14648 : 2005 सौंदर्य प्रसाधन की सूक्ष्म जीव वैज्ञानिक परीक्षा के लिए परीक्षण विधियाँ (पहला पुनरीक्षण)	कुछ नहीं	नवम्बर 2005
2.	आई एस 3250 : 2005 मिथाइल आयोनोन विशिष्टि (तीसरा पुनरीक्षण)	कुछ नहीं	दिसम्बर 2005
3.	आई एस 1802 : 2005 आयोनोन विशिष्टि (तीसरा पुनरीक्षण)	कुछ नहीं	दिसम्बर 2005
4.	आई एस 3123 : 2005 हाइड्रॉक्सीसिट्रोनीलल विशिष्टि (तीसरा पुनरीक्षण)	कुछ नहीं	दिसम्बर 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. पीसीडी जी/-7 (गजट)]

डा. डी. के. चौधरी, वैज्ञानिक-‘एफ’ एवं प्रमुख

New Delhi, the 3rd February, 2006

S.O. 575.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year and title of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
1.	IS 14648:2005 Methods of test for microbiological examination of cosmetics and cosmetic raw materials (first revision)	None	November, 2005
2.	IS 3250:2005 Methyl Ionone—Specification (third revision)	None	December, 2005
3.	IS 1802:2005 Ionone—Specification (third revision)	None	December, 2005
4.	IS 3123:2005 Hydroxycitronellal—Specification (third revision)	None	December, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. PCD/G-7 (Gazette)]

Dr. D. K. CHAUDHARI, Sc.-‘F’ & Head

नई दिल्ली, 6 फरवरी, 2006

का.आ. 576.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे रद्द कर दिए गए हैं और वापस ले लिए गए हैं :

अनुसूची

क्रम संख्या	रद्द किए गए मानक की संख्या और वर्ष	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में का. आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1.	विशेष प्रकाशन एस पी 58 : 1995 पेय जल सप्लाई के लिए पंप संबंधी पुस्तिका	—	विशेष प्रकाशन में मुख्यतः समय-समय पर संशोधित किए गए संबद्ध राष्ट्रीय मानकों से लिए गए सारांश शामिल किए जाते हैं। प्रकाशन में दी गई सामान्य जानकारी संबंधित तकनीकी पाठ्य पुस्तकों में उपलब्ध है। इस विशेष प्रकाशन का पुनरीक्षण, कार्य को दोहराना होगा, क्योंकि जानकारी संबद्ध राष्ट्रीय मानकों और अन्य प्रकाशनों में उपलब्ध है।

[सं. एमईडी/जी-2:1]

सी.के. वेदा, वैज्ञानिक-‘एफ’ एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 6th February, 2006.

S.O. 576.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, it is, hereby notified that the Indian Standards, particulars of which are mentioned in the Schedule give hereafter, have been cancelled and stand withdrawn.

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Cancelled	S.O. No. and Date published in the Gazette of India, Part II, Section 3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	SP 58 : 1995 Handbook on pumps for drinking water supply	—	The special publication covered mainly extracts taken from the related national standards which are revised from time to time. The general information contained in the publication is available in relevant technical text books. Revision of this publication would be duplication of work as the information is available in related national standards and other publications.

[No. MED/G-2 : 1]

C. K. VEDA, Sc.-‘F’ & Head (Mechanical Engineering)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 7 फरवरी, 2006

का. आ. 577.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में कोयली से रतलाम तक पेट्रोलियम उत्पादन के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए:

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए :

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, ईक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में भरतलाल ननामा, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, मकान नं ए-15, सुंदरवन, कस्तुरबा नगर, सुमंगल गार्डन के पास रतलाम -457001 (मध्यप्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील — बाजना		जिला — रतलाम	राज्य— मध्य प्रदेश
क्रमांक	गाँव का नाम	सर्वे नम्बर	क्षेत्रफल हेक्टर में
1	2	3	4
35	मलवासी	35	0.2898
		32,33	0.0540
		43	0.0378
		58	0.2844
		44	0.1080
		46	0.0270
		53,56	0.2088
		82/1	0.2340
		85	0.0270
		92/2	0.1080
		93/1	0.0360
		87	0.0792
		94	0.0090

1	2	3	4
		97	0.1620
		151/2	0.0540
		155, 156	0.0540
		159	0.0288
		160	0.1908
		161	0.0720
		167/2	0.0468
		169/1/1	0.0828
		169/1/3	0.0846
		170/1/2	0.0630
		170/2	0.1170
		170/1/1	0.0450
		176/2	0.0900
		176/1	0.0918
		217/1	0.2016
		237	0.0090
		193	0.1620
		222	0.0540
		256/1	0.1998
		250	0.0648
		252	0.0396
		249	0.0090
		286/1	3.9312

[फा. सं. आर-25011/2/2006-ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 7th February, 2006

S. O. 577.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Koyali to Ratlam in the state of Madhya Pradesh, a pipeline should be laid by the Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now therefore, in exercise of the powers conferred by sub-section (I) of section 3 of the petroleum and Mineral pipelines (Acquisition of Right of user in land) Act, 1962(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification; issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public object in writing to the laying of pipeline under the land to Mr. Bharat Lal Nanama , competent Authority, Indian Oil Corporation Limited, at office A-15, Sundervan , kasturba Nagar , Near Sumangal Garden , Ratlam – 457001,, (Madhya Pradesh) .

Schedule

Tehsil :- Bajna		District :- Ratlam	State :- Madhyapradesh
SL.NO.	Name of Village	SURVEY NO	Area In Hector
1	2	3	4
35	Malwasi	35	0.2898
		32,33	0.0540
		43	0.0378
		58	0.2844
		44	0.1080
		46	0.0270
		53,56	0.2088
		82/1	0.2340
		85	0.0270
		92/2	0.1080
		93/1	0.0360
		87	0.0792
		94	0.0090
		97	0.1620
		151/2	0.0540
		155,156	0.0540
		159	0.0288
		160	0.1908
		161	0.0720
		167/2	0.0468
		169/1/1	0.0828
		169/1/3	0.0846
		170/1/2	0.0630
		170/2	0.1170
		170/1/1	0.0450
		176/2	0.0900
		176/1	0.0918
		217/1	0.2016

1	2	3	4
		237	0.0090
		193	0.1620
		222	0.0540
		256/1	0.1998
		250	0.0648
		252	0.0396
		249	0.0090
		286/1	3.9312

[F. No. R-25011/2/2006-O.R.-I]

S. K. CHITKARA, Under Secy.

नई दिल्ली, 8 फरवरी, 2006

का. आ. 578.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2666 तारीख 28 जुलाई, 2005, जो भारत के राजपत्र तारीख 30 जुलाई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई—मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 27 सितम्बर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है :

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग व अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार : निहित होने की बजाए, सभी वित्तीयों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	पौंचोलास	3826/ 4157	0.0135
2	खेरदा	3 . 1	0.1728 0.0144
3	जटवाडा खुर्द	246 247	0.0094 0.0127
4	चकेरी	368/ 2778 273/ 2782 802	0.0072 0.1800 0.0144
6	पंचीपल्या	1027/2196	0.0288
7	दूंदरी	970/2404	0.0144
8	फूसोदा	922/1778 143	0.0020 0.0072
9	कानसीर	984 216/1332	0.0576 0.0144

[फा. सं. आर-31015/78/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 8th February, 2006

S. O. 578.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2666, dated the 28th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th July, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 27 September, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**TEHSIL:SAWAI MADHOPUR DISTRICT:SAWAI MADHOPUR STATE:RAJASTHAN**

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	PANCHOLAS,	3826/4157	0.0135
2.	KHERDA	3	0.1728
		1	0.0144
3.	JATWADA KHURD	246	0.0094
		247	0.0127
4.	CHAKERI	368/2778	0.0072
		273/2782	0.1800
		802	0.0144
5.	PANCHIPALYA	1027/2196	0.0288
6.	DUNDARI	970/2404	0.0144
7.	FUSODA	922/1778	0.0020
		143	0.0072
8.	KANSIR	984	0.0576
		216/1332	0.0144

[No. R-31015/78/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 8 फरवरी, 2006

का. आ. 579.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2667 तारीख 28 जुलाई, 2005, जो भारत के राजपत्र तारीख 30 जुलाई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 27 सितम्बर, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : सवाई माधोपुर

जिला : सवाई माधोपुर

राज्य : राजस्थान

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	लक्ष्मीपुरा	118	0.1008
		119	0.8280
		120	0.3456
		138	0.0720
		139	0.0720
		182	0.2412
		184	0.1080
		185	0.1080
		464	0.0216
		462	0.0360
		186	0.0072
		186/622	0.0072
		220	0.0020
		461	0.1440
		221	0.0069
		461/603	0.0864
		456/619	0.1368
		236	0.0288
		237	0.1800
		237/587	0.0936
		250	0.0792
		267	0.0020
		266	0.0504
		265	0.0504
		270	0.1008
		271	0.0020
		269	0.0315
		319	0.0871
		39	0.1965

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	लक्ष्मीपुरा (जारी.....)	320	0.0360
		321	0.0432
		322	0.0576

[फा. सं. आर-31015/78/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 8th February, 2006

S. O. 579.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2667, dated the 28th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th July, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 27 September, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE**TEHSIL:SAWAI MADHOPUR DISTRICT:SAWAI MADHOPUR STATE:RAJASTHAN**

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	LAKSHMIPURA	118	0.1008
		119	0.8280
		120	0.3456
		138	0.0720
		139	0.0720
		182	0.2412
		184	0.1080
		185	0.1080
		464	0.0216
		462	0.0360
		186	0.0072
		186/622	0.0072
		220	0.0020
		461	0.1440
		221	0.0069
		461/603	0.0864
		456/619	0.1368
		236	0.0288
		237	0.1800
		237/587	0.0936
		250	0.0792
		267	0.0020
		266	0.0504
		265	0.0504
		270	0.1008
		271	0.0020
		269	0.0315
		319	0.0871
		39	0.1965

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	LAKSHMIPURA (Contd...)	320	0.0360
		321	0.0432
		322	0.0576

[No. R-31015/78/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 8 फरवरी, 2006

का. आ. 580.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2753 तारीख 28 जुलाई , 2005, जो भारत के राजपत्र तारीख 6 अगस्त, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (मोलापुर) तक हजारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 21 नवम्बर, 2005, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तालूका : सांगोला		जिला : सोलापुर			राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
1	2	3	4	5	हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	पाचेगाँव बुद्रूक		508		00	05	48
				कुल	00	05	48
2	कोले		2403		00	14	46
			2404		00	48	43
			2405		00	04	64
			2406		00	11	28
			2407		00	19	62
			2408		00	24	24
			2409		00	26	79
			2388		00	20	32
			2386		00	07	42
			2383		00	19	55
			2382		00	03	45
			2381		00	05	07
			2379		00	10	50
			2378		00	17	21
			2375		00	14	27
			2374		00	12	34
			2373		00	07	29
			2372		00	07	25
			2371		00	05	43
			2370		00	01	92
			2367		00	21	10
			2163		00	06	31
			2162		00	04	91
			2161		00	06	13
			2160		00	07	07
			2159		00	81	62
			1958		00	00	60
			1960		00	11	50
			1961		00	11	11
			1752		00	07	20
			1748		00	06	54
			1678		00	08	10
				कुल	04	53	67
3	जुनोनी		35		00	00	30
			44	3	00	01	00
			135		00	08	00
			142		00	03	10
				कुल	00	12	40

तालूका : सांगोला			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
4	हातीद		673	2	00	07	14
			670		00	61	05
			503		00	00	60
			454		00	09	74
			212		00	27	39
			107		00	05	72
कुल					01	11	64
5	मिसालवाडी		313		00	27	43
			314		00	27	53
			197		00	03	26
			316		00	06	63
			317		00	07	28
			319		00	02	96
			321		00	02	72
			324		00	00	43
			195		00	06	51
			194		00	03	49
			193		00	01	79
			192		00	05	05
			137		00	05	12
			145		00	00	60
			143		00	00	30
कुल					01	01	10
6	उधनवाडी		618		00	24	52
			619		00	26	38
			620		00	04	70
			621		00	07	19
			622		00	08	13
			625		00	21	90
			629		00	08	58
			628		00	11	22
			627		00	10	19
			630		00	21	74
			626		00	14	44
			595		00	08	88
			594		00	06	69
			593		00	07	12
			592		00	09	00
			591		00	06	52

तालूका : सांगोला			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4.	5	6	7	8
6	उधनवाडी (निरंतर)		590		00	02	67
			597		00	55	20
				कुल	02	55	07
7	राजुरी		806		00	06	24
			738		00	23	20
			733		00	16	05
			756		00	12	14
			734		00	01	93
			737		00	05	48
			732		00	15	03
			331		00	01	13
			332		00	00	44
			335		00	06	69
			337		00	01	09
			338		00	01	97
			248		00	03	44
			246		00	05	37
				कुल	01	00	20
8	निजामपुर		488		00	14	09
				कुल	00	14	09
9	अकोला		467		00	08	71
			459		00	10	55
			456		00	04	13
				कुल	00	23	39
10	कडलास		448		00	03	31
			459		00	03	81
			597		00	02	08
			582		00	06	80
			583		00	01	88
			584		00	00	80
			585		00	05	78
			581		00	09	98
			569		00	00	25
			567		00	02	81
			568		00	00	60
			557	2	00	23	39
			588		00	02	16
			589		00	05	88
			577	1	00	34	07
			556		00	01	30
			661		00	00	32

तालूका : सांगोला		जिला : सोलापुर			राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
10	कडलास (निरार)		662		00	10	08
			664		00	08	91
			913		00	15	89
			1181		00	02	24
			1179		00	05	71
			1186		00	05	22
			1187		00	08	27
			1237		00	15	89
कुल					01	77	43
11	मेडशिंंगी		305		00	08	61
कुल					00	08	61
12	वाडेगाँव		602		00	15	48
			601		00	07	10
			603		00	00	60
			600		00	00	60
			591		00	25	82
			583		00	03	00
			587		00	18	00
			586		00	07	02
			579		00	20	14
			577		00	15	29
			565		00	08	00
			561		00	03	00
			559		00	06	50
			558		00	04	00
			557		00	05	00
			578		00	05	15
			568		00	03	17
			567		00	01	26
			555		00	06	20
			554		00	06	75
			494		00	08	00
			495		00	07	75
			497		00	01	50
			498		00	03	50
			499		00	02	75

तालूका : सांगोला			जिला : सोलापुर		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
12	वाडेगाँव (निरंतर)		500		00	06	50
			489		00	16	75
कुल					02	08	83

[फा. सं. आर-31015/19/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 8th February, 2006

S. O. 580.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2753, dated the 28th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 6th August, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 21st November, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Taluka : SANGOLA		District : SOLAPUR		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	PACHEGAON BUDRUK		508		00	05	48
Total					00	05	48
2	KOLE		2403		00	14	46
			2404		00	48	43
			2405		00	04	64
			2406		00	11	28
			2407		00	19	62
			2408		00	24	24
			2409		00	26	79
			2388		00	20	32
			2386		00	07	42
			2383		00	19	55
			2382		00	03	45
			2381		00	05	07
			2379		00	10	50
			2378		00	17	21
			2375		00	14	27
			2374		00	12	34
			2373		00	07	29
			2372		00	07	25
			2371		00	05	43
			2370		00	01	92
			2367		00	21	10
			2163		00	06	31
			2162		00	04	91
			2161		00	06	13
			2160		00	07	07
			2159		00	81	62
			1958		00	00	60
			1960		00	11	50
			1961		00	11	11
			1752		00	07	20
			1748		00	06	54
			1678		00	08	10
Total					04	53	67
3	JUNONI		35		00	00	30
			44	3	00	01	00
			135		00	08	00
			142		00	03	10
Total					00	12	40

Taluka : SANGOLA		District : SOLAPUR		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	HATID		673	2	00	07	14
			670		00	61	05
			503		00	00	60
			454		00	09	74
			212		00	27	39
			107		00	05	72
		Total				01	11
5	MISALWADI		313		00	27	43
			314		00	27	53
			197		00	03	26
			316		00	06	63
			317		00	07	28
			319		00	02	96
			321		00	02	72
			324		00	00	43
			195		00	06	51
			194		00	03	49
			193		00	01	79
			192		00	05	05
			137		00	05	12
			145		00	00	60
			143		00	00	30
Total				01	01	10	
6	UDHANWADI		618		00	24	52
			619		00	26	38
			620		00	04	70
			621		00	07	19
			622		00	08	13
			625		00	21	90
			629		00	08	58
			628		00	11	22
			627		00	10	19
			630		00	21	74
			626		00	14	44
			595		00	08	88
			594		00	06	69
			593		00	07	12
			592		00	09	00
	591	00	06	52			

Taluka : SANGOLA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
6	UDHANWADI (Contd.)		590		00	02	67
			597		00	55	20
			Total		02	55	07
7	RAJURI		806		00	06	24
			738		00	23	20
			733		00	16	05
			756		00	12	14
			734		00	01	93
			737		00	05	48
			732		00	15	03
			331		00	01	13
			332		00	00	44
			335		00	06	69
			337		00	01	09
			338		00	01	97
			248		00	03	44
			246		00	05	37
			Total		01	00	20
8	NIJAMPUR		488		00	14	09
			Total		00	14	09
9	AKOLA		467		00	08	71
			459		00	10	55
			456		00	04	13
			Total		00	23	39
10	KADLAS		448		00	03	31
			459		00	03	81
			597		00	02	08
			582		00	06	80
			583		00	01	88
			584		00	00	80
			585		00	05	78
			581		00	09	98
			569		00	00	25
			567		00	02	81
			568		00	00	60
			557	2	00	23	39
			588		00	02	16
			589		00	05	88
			577	1	00	34	07
			556		00	01	30
			661		00	00	32

Taluka : SANGOLA		District : SOLAPUR		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
10	KADLAS (Contd.)		662		00	10	08
			664		00	08	91
			913		00	15	89
			1181		00	02	24
			1179		00	05	71
			1186		00	05	22
			1187		00	08	27
			1237		00	15	89
Total					01	77	43
11	MEDSINGI		305		00	08	61
Total					00	08	61
12	WADEGAON		602		00	15	48
			601		00	07	10
			603		00	00	60
			600		00	00	60
			591		00	25	82
			583		00	03	00
			587		00	18	00
			586		00	07	02
			579		00	20	14
			577		00	15	29
			565		00	08	00
			561		00	03	00
			559		00	06	50
			558		00	04	00
			557		00	05	00
			578		00	05	15
			568		00	03	17
			567		00	01	26
			555		00	06	20
			554		00	06	75
			494		00	08	00
			495		00	07	75
			497		00	01	50
			498		00	03	50
			499		00	02	75

Taluka : SANGOLA			District : SOLAPUR		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
12 WADEGAON (Contd.)			500		00	06	50
			489		00	16	75
Total					02	08	83

[No. R-31015/19/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 8 फरवरी, 2006

का. आ. 581.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2499 तारीख 04 जुलाई, 2005, जो भारत के राजपत्र तारीख 16 जुलाई, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुद्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरात राज्य में मुद्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 08 सितम्बर, 2005 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर.-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्वधीन, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : आमेर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
1	2	3	हेक्टेयर	एयर	वर्ग मीटर
1.	खोराबीसल	515/721	0	00	27
		514	0	00	16
		514/720	0	00	93
		513	0	00	93
		511	0	00	69
		554	0	00	30
		555	0	00	55
		483	0	00	54
		482	0	00	36
		561	0	01	05
		476	0	00	18
		454	0	00	36
		438	0	00	72
		399/906	0	00	18
		399	0	00	45
		351	0	00	45
		347(जे.डी.ए.रास्ता)	0	00	45
		103(जे.डी.ए.रास्ता)	0	00	36
		230	0	00	15
		237	0	00	54
		235	0	00	16
		238	0	00	24
		242	0	00	91
		243	0	00	24
		252	0	00	19
		246	0	00	32
		247	0	00	65
		208	0	00	73
		207	0	00	92
		205	0	00	54
		199	0	02	90
		273	0	00	86
		271	0	00	63
		267	0	01	15
2.	शुभरामपुरा	204	0	01	76
		180	0	02	20
3.	बेनाइमयदौलतपुरा	209	0	00	74
		166	0	01	08

तहसील : आमरेर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
3.	बेनाइमयदौलतपुरा (जारी...)	165	0	00	72
		163	0	00	71
		109	0	00	45
		104	0	00	42
		69	0	00	37
		57	0	00	27
4.	नांगलसिरस	806/876(जे.डी.ए.)	0	00	16
5.	नीदड़	205	0	09	91
		207	0	00	76
		206	0	00	18
		141	0	00	50
		116	0	00	32
		287	0	00	10
		283	0	00	18
		340	0	01	15
		341	0	00	11
		354	0	01	04
		355	0	00	58
		358	0	00	57
		567(जे.डी.ए.रास्ता)	0	00	25
		408	0	00	40
		573	0	00	50
		570	0	00	36
6.	राजावास	429	0	00	70
		440	0	00	48
		476(स.चारागाह)	0	00	45
		474(स.चारागाह)	0	00	34
		771	0	00	36
		771/877	0	00	36
		770/833	0	09	36
		765/830	0	00	26
		733	0	00	38
		753	0	00	72
		749/868	0	00	90
		748	0	00	90
	नांगलपुरोहित	41	0	00	30
		18	0	00	42
		15	0	00	68
		12(जे.डी.ए.चारागाह)	0	00	20
		116(जे.डी.ए.चारागाह)	0	00	54

तहसील : आमेर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
1	2	3	हेक्टेयर	एयर	वर्ग मीटर
7.	नांगलपुरोहित (जारी...)	198/1298	0	00	15
		111(जे.डी.ए.चारागाह)	0	07	14
8.	छवरकावास	272	0	00	36
		270	0	01	10
9.	चेतावाला	141	0	00	26
		143	0	00	96
		106(स.रास्ता)	0	00	88
		200	0	00	60
		185	0	00	18
		188	0	00	72
10.	बदनपुरा	213	0	00	18
		204	0	00	20
		205	0	00	90
		254	0	00	42
		247	0	00	48
		250	0	00	20
		243	0	00	15
		318	0	02	73
11.	खोराश्यामदास	209/1841(ग्रा.पं.चारागाह)	0	00	18
		207	0	00	16
		206	0	00	25
		99	0	00	54
		62	0	00	54
		52	0	00	27
		43	0	00	27
		44	0	00	36
		262(स.रास्ता)	0	00	18
		309	0	02	58
		975	0	00	45
		990	0	01	56
		991	0	00	11
12.	देगडास	219	0	00	54
13.	चौप	438/2475	0	01	48
		438(स.चारागाह)	0	05	42
		475(स.चारागाह)	0	08	82
		465	0	03	08
		466	0	00	32
		461(स.रास्ता)	0	00	42
		582	0	01	86

तहसील : आमेर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
13.	चोंप (जारी...)	583	0	01	94
		584	0	02	78
		670/2313	0	06	34
		586	0	00	62
		587	0	00	60
		588	0	00	36
		589	0	01	26
		681	0	00	12
		187	0	00	32
		186	0	00	72
		92	0	00	90
		93	0	00	16
		899	0	00	56
		894	0	00	62
		895	0	00	45
		959	0	00	36
		950(स.चारागाह)	0	00	27
14.	ईशरावाला	677	0	00	54
		667	0	02	40
		666	0	01	44
		663	0	00	26
		639	0	00	62
		582(स.भूमि)	0	00	96
		503	0	00	16
		505	0	00	51
		509	0	00	33
		464	0	07	60
		461	0	18	00
15.	बिलोची	532	0	04	86
		533	0	00	16
		538	0	00	80
		547	0	00	60
		545	0	00	22
		548	0	00	30
		549	0	00	41
		544	0	00	28
		502	0	00	40
		390/1755(स.भूमि)	0	00	20
16.	श्रीगोविन्दपुरा	259	0	00	45
		260	0	00	63

तहसील : आमेर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
16.	श्रीगोविन्दपुरा (जारी...)	260/494	0	00	60
		260/493	0	00	27
		411(स.भूमि)	0	00	18
		419(स.भूमि)	0	00	27
		404/498	0	00	36
		385/503	0	00	10
		387(स.भूमि)	0	00	72
		371/560(स.रास्ता)	0	00	18
		370/559(स.चारागाह)	0	00	18
		362	0	00	38
		365	0	00	18
17.	घटवाडा	866	0	00	33
		865	0	00	48
		873	0	18	50
		790/1184	0	00	20
		787/1201	0	01	53
		ख.सं.787/1201 और 787 के बीच	0	04	68
		787	0	02	68
		786	0	00	45
		785	0	00	36
		784	0	00	20
		729	0	00	27
		725	0	01	80
		704	0	00	63
		711	0	00	31
		667	0	00	52
		533	0	00	24
		564	0	00	70
		998/1222	0	00	20
		560/998	0	00	72
		560	0	01	26
		546	0	01	08
18.	मानपुरामाचेडी	3004	0	04	13
		3005	0	04	20
		3000	0	06	84
		2995	0	08	46
		2979	0	04	04
		2978	0	03	06
		2977	0	00	56
		2976	0	08	30

तहसील : आमेर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
18.	मानपुरामाचेडी (जारी...)	2975	0	00	80
		2974	0	01	20
		3100	0	07	62
		3101	0	07	72
		3102	0	09	00
		3103	0	00	70
		3086	0	00	74
		3105	0	00	96
		3106	0	06	55
		3106/3965	0	00	41
		3109	0	14	28
		3107(स.नाला)	0	02	48
		3117	0	05	92
		3124	0	12	60
		3125	0	02	90
		3126	0	05	04
		3129	0	05	56
		3130	0	03	36
		3131	0	04	92
		3132	0	00	48
		3616	0	10	32
		3619	0	13	68
		3585	0	11	88
		3587	0	09	72
		3577	0	03	60
		3574	0	07	77
		3575	0	03	60
		3576	0	04	83
		3555	0	07	20
		3561	0	00	44
		3558	0	02	88
		3545	0	16	56
		3520	0	01	08
		3464	0	00	36
		3463	0	00	18
		1982	0	94	56
19.	पुढकाबास	3473(स.रास्ता)	0	00	18
	उर्फ	57	0	00	36
	चावा का बास	55	0	00	26
		79	0	00	44

तहसील : आगौर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
1	2	3	हेक्टेयर	एयर	वर्ग मीटर
19.	पुटकाबास	45(स.भूमि)	0	00	24
	उर्फ	47	0	01	52
	चावा का बास (जारी...)	13(स.भूमि)	0	31	09
		4(स.चारागाह)	0	01	05
20.	बीलपुरा	605	0	00	20
		596	0	00	66
		538	0	01	58
		539	0	01	17
		438	0	06	34
		438/976(स.भूमि)	0	00	96
		437	0	03	86
		436/898	0	07	12
		426	0	04	84
		541	0	02	62
		540	0	00	20
		542	0	01	70
		545	0	01	20
		572	0	01	88
		574	0	03	99
		571	0	01	47
		564	0	03	42
		563	0	01	66
		161	0	00	10
		266	0	01	66
21.	सुन्दरपुरा	7	0	00	24
		366	0	00	20
		358	0	03	04
		368	0	00	60
		373	0	00	11
		372	0	00	12
		377	0	03	09
		381	0	00	18
		384	0	00	09
		383	0	00	20
		387	0	00	08
		388	0	00	11
22.	लाम्यामेवाल	123/454(स.भूमि)	0	00	20
		58	0	00	18
		48	0	00	40

तहसील : आमेर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
22.	लाम्यामेवाल (जारी...)	35	0	00	36
		30	0	00	71
		18	0	00	24
23.	देव का हरमाडा	804	0	00	36
		807	0	00	16
		300	0	00	48
		301 (स.चारागाह)	0	00	44
		297	0	00	92
		325	0	01	24
		120	0	00	32
		118	0	00	41
		353/1280 (स.खड्डा)	0	00	46
		84	0	03	67
		77	0	00	26
		22/1335	0	00	24
24.	लखेर	83	0	00	48
		66	0	01	17
		44	0	00	36
		45	0	00	36
		33	0	00	36
		22	0	00	65
		27	0	00	83
		291/1295	0	00	84
		294/1296/3	0	00	20
		294	0	09	18

[फा. सं. आर-31015/70/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 8th February, 2006

S. O. 581.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2499 dated the 04th July, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 16th July, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra-Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 08th September, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN	
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1.	KHORABISAL	515/721	0	00	27
		514	0	00	16
		514/720	0	00	93
		513	0	00	93
		511	0	00	69
		554	0	00	30
		555	0	00	55
		483	0	00	54
		482	0	00	36
		561	0	01	05
		476	0	00	18
		454	0	00	36
		438	0	00	72
		399/906	0	00	18
		399	0	00	45
		351	0	00	45
		347(J.D.A Cart Track)	0	00	45
		103(J.D.A Cart Track)	0	00	36
		230	0	00	15
		237	0	00	54
		235	0	00	16
		238	0	00	24
		242	0	00	91
		243	0	00	24
		252	0	00	19
		246	0	00	32

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN	
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1. KHORABISAL (Contd...)		247	0	00	65
		208	0	00	73
		207	0	00	92
		205	0	00	54
		199	0	02	90
		273	0	00	86
		271	0	00	63
		267	0	01	15
2. SHUBHRAMPURA	204	0	01	76	
	180	0	02	20	
3. BENARMAYDAULATPURA	209	0	00	74	
	166	0	01	08	
	165	0	00	72	
	163	0	00	71	
	109	0	00	45	
	104	0	00	42	
	69	0	00	37	
	57	0	00	27	
4. NANGALSIRAS	806/876(J.D.A)	0	00	16	
5. NINDAR	205	0	09	91	
	207	0	00	76	
	206	0	00	18	
	141	0	00	50	
	116	0	00	32	
	287	0	00	10	
	283	0	00	18	
	340	0	01	15	
	341	0	00	11	
	354	0	01	04	
	355	0	00	58	
	358	0	00	57	
	567(J.D.A Cart Track)	0	00	25	
	408	0	00	40	
	573	0	00	50	
570	0	00	36		
6. RAJAWAS	429	0	00	70	
	440	0	00	48	
	476(G/L Pasture)	0	00	45	
	474(G/L Pasture)	0	00	34	
	771	0	00	36	
	771/877	0	00	36	
	770/833	0	09	36	
	765/830	0	00	26	

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN	
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
6. RATAWAS Contd...		733	0	00	38
		753	0	00	72
		749/868	0	00	90
		748	0	00	90
7. NANGALPUROHIT		41	0	00	30
		18	0	00	42
		15	0	00	68
		12(J.D.A Pasture)	0	00	20
		116(J.D.A Pasture)	0	00	54
		198/1298	0	00	15
		111(J.D.A Pasture)	0	07	14
8. CHHAWARKAWAS		272	0	00	36
		270	0	01	10
9. CHETAWALA		141	0	00	26
		143	0	00	96
		106(G/L Cart Track)	0	00	88
		200	0	00	60
		185	0	00	18
10. BADANPURA		188	0	00	72
		213	0	00	18
		204	0	00	20
		205	0	00	90
		254	0	00	42
		247	0	00	48
		250	0	00	20
		243	0	00	15
		318	0	02	73
		209/1841(G/P Pasture)	0	00	18
		207	0	00	16
11. KHORASHYAMDAS		206	0	00	25
		99	0	00	54
		62	0	00	54
		52	0	00	27
		43	0	00	27
		44	0	00	36
		262(G/L Cart Track)	0	00	18
		309	0	02	58
		975	0	00	45
		990	0	01	56
		991	0	00	11
12. DEGDAS		219	0	00	54

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
13. CHONP		438/2475	0	01	48	
		438(G/L Pasture)	0	05	42	
		475(G/L Pasture)	0	08	82	
		465	0	03	08	
		466	0	00	32	
		461(G/L Cart Track)	0	00	42	
		582	0	01	86	
		583	0	01	94	
		584	0	02	78	
		670/2313	0	06	34	
		586	0	00	62	
		587	0	00	60	
		588	0	00	36	
		589	0	01	26	
		681	0	00	12	
		187	0	00	32	
		186	0	00	72	
		92	0	00	90	
		93	0	00	16	
		899	0	00	56	
		894	0	00	62	
		895	0	00	45	
		959	0	00	36	
		950(G/L Pasture)	0	00	27	
	14. ISHARAWALA		677	0	00	54
			667	0	02	40
			666	0	01	44
		663	0	00	26	
		639	0	00	62	
		582(G/L)	0	00	96	
		503	0	00	16	
		505	0	00	51	
		509	0	00	33	
		464	0	07	60	
15. BILONCHI		461	0	18	00	
		532	0	04	86	
		533	0	00	16	
		538	0	00	80	
		547	0	00	60	
		545	0	00	22	
		548	0	00	30	

Tehsil : AMER		District : JAIPUR	State : RAJASTHAN			
Sr. No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
15. BILONCHI (Contd...)		549	0	00	41	
		544	0	00	28	
		502	0	00	40	
		390/1755(G/L)	0	00	20	
16. SHREEGOVINDPURA		259	0	00	45	
		260	0	00	63	
		260/494	0	00	68	
		260/493	0	00	27	
		411(G/L)	0	00	18	
		419(G/L)	0	00	27	
		404/498	0	00	36	
		385/503	0	00	10	
		387(G/L)	0	00	72	
		371/560(G/L Cart Track)	0	00	18	
		370/559(G/L Pasture)	0	00	18	
		362	0	00	38	
		365	0	00	18	
	17. GHATWADA		866	0	00	33
			865	0	00	48
		873	0	18	50	
		790/1184	0	00	20	
		787/1201	0	01	53	
		In Bet Svy No. 787/1201 & 787	0	04	68	
		787	0	02	68	
		786	0	00	45	
		785	0	00	36	
		784	0	00	20	
		729	0	00	27	
		725	0	01	80	
		704	0	00	63	
		711	0	00	31	
		667	0	00	52	
		533	0	00	24	
		564	0	00	70	
		998/1222	0	00	20	
	560/998	0	00	72		
	560	0	01	26		
	546	0	01	08		
18. MANPURAMACHEDI		3004	0	04	13	
		3005	0	04	20	
		3000	0	06	84	
		2995	0	08	46	
		2979	0	04	04	

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN	
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
18. MANPURAMACHEDI (Contd...)		2978	0	03	06
		2977	0	00	56
		2976	0	08	30
		2975	0	00	80
		2974	0	01	20
		3100	0	07	62
		3101	0	07	72
		3102	0	09	00
		3103	0	00	70
		3086	0	00	74
		3105	0	00	96
		3106	0	06	55
		3106/3965	0	00	41
		3109	0	14	28
		3107(G/L Nala)	0	02	48
		3117	0	05	92
		3124	0	12	60
		3125	0	02	90
		3126	0	05	04
		3129	0	05	56
		3130	0	03	36
		3131	0	04	92
		3132	0	00	48
		3616	0	10	32
		3619	0	13	68
		3585	0	11	88
		3587	0	09	72
		3577	0	03	60
		3574	0	07	77
		3575	0	03	60
		3576	0	04	83
		3555	0	07	20
		3561	0	00	44
		3558	0	02	88
		3545	0	16	56
		3520	0	01	08
		3464	0	00	36
		3463	0	00	18
		1982	0	94	56
	19. PUTHKABAS		3473(G/L Cart Track)	0	00
URF		57	0	00	36
CHAWA KA BAS		55	0	00	26
		79	0	00	44

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN	
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
19.	PUTHKABAS	45(G/L)	0	00	24
	URF	47	0	01	52
	CHAWA KA BAS (Contd...)	13(G/L)	0	31	09
		4(G/L Pasture)	0	01	05
20.	BILPURA	605	0	00	20
		596	0	00	66
		538	0	01	58
		539	0	01	17
		438	0	06	34
		438/976(G/L)	0	00	96
		437	0	03	86
		436/898	0	07	12
		426	0	04	84
		541	0	02	62
		540	0	00	20
		542	0	01	70
		545	0	01	20
		572	0	01	88
		574	0	03	99
		571	0	01	47
		564	0	03	42
		563	0	01	66
		161	0	00	10
		266	0	01	66
21.	SUNDARPURA	7	0	00	24
		366	0	00	20
		358	0	03	04
		368	0	00	60
		373	0	00	11
		372	0	00	12
		377	0	03	09
		381	0	00	18
		384	0	00	09
		383	0	00	20
		387	0	00	08
		388	0	00	11
22.	LAMYAMEWAL	123/454(G/L)	0	00	20
		58	0	00	18
		48	0	00	40

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN	
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
22.	LAMYAMEWAL (Contd...)	35	0	00	36
		30	0	00	71
		18	0	00	24
23.	DEV KA HARMADA	804	0	00	36
		807	0	00	16
		300	0	00	48
		301(G/L Pasture)	0	00	44
		297	0	00	92
		325	0	01	24
		120	0	00	32
		118	0	00	41
		353/1280(G/L Khadda)	0	00	46
		84	0	03	67
		77	0	00	26
24.	LAKHER	22/1335	0	00	24
		83	0	00	48
		66	0	01	17
		44	0	00	36
		45	0	00	36
		33	0	00	36
		22	0	00	65
		27	0	00	83
		291/1295	0	00	84
		294/1296/3	0	00	20
	294	0	09	18	

[No. R-31015/70/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 8 फरवरी, 2006

का. आ. 582.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्द्रा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री शिवदत्त गौड़, सक्षम प्राधिकारी, मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, डी-7 लालबहादुर नगर (पूर्व), क्लार्क्स आमेर होटल के सामने, जवाहरलाल नेहरू मार्ग, मालवीय नगर, जयपुर-302017(राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : आमेर		जिला : जयपुर	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
1.	मानपुरामावेडी	3473	0	00	90
2.	पुठकाबास उर्फ चावा का बास	1241	0	04	14
3.	देव का हरमाडा	17/1373	0	04	68
		352/1282	0	05	04

[फा. सं. आर-31015/70/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 8th February, 2006

S. O. 582.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Shivdutt Gaur, Competent Authority, Mundra-Delhi Petroleum Product Pipeline, Hindustan Petroleum Corporation Limited, D-7, Lal Bahadur Nagar (East), Opp. Clarks Amer Hotel, Jawaharlal Nehru Marg, Malviya Nagar, Jaipur - 302017 (Rajasthan),

SCHEDULE

Tehsil : AMER		District : JAIPUR		State : RAJASTHAN	
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1.	MANPURAMACHEDI	3473	0	00	90
2.	PUTHKABAS URF CHAWA KA BAS	1241	0	04	14
3.	DEV KA HARMADA	17/1373	0	04	68
		352/1282	0	05	04

[No. R-31015/70/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 8 फरवरी, 2006

का. आ. 583.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड की संवर्धक कम्पनी मेसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड गोवा के उत्तरी/दाक्षिणी अपतट के खोज ब्लॉकों से आन्ध्रप्रदेश की संरचनाओं से आन्ध्रप्रदेश राज्य के पूर्वी गोदावरि और पश्चिमी गोदावरि जिले में विभिन्न उपभेक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मेसर्स गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिये ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से उपावध्द अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबध्द है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री. पी. बुच्चारेडडी, सक्षम प्राधिकारी, गैस ट्रांसपोर्टेशन एण्ड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड, पाइपलाइन परियोजना, 20-6-5, श्री सूर्या कांप्लेक्स, सिनेमा रोड, काकिनाडा, ईस्ट गोदावरि जिला, आन्ध्रप्रदेश राज्य - 533 001 को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूचि				
मंडल: आतेयपुरम		जिल्हा : इस्ट गोदावरी		राज्य : आन्ध्र प्रदेश
गंव का नाम	सर्वे सं / सब डिविजन सं	आर ओ यू अर्जित करने के लिए क्षेत्रफल		
		हेक्टर	एर	सि एर
1	2	3	4	5
1) वसंतवाड	103	0	04	90
2) वुधिलि	61/4	0	07	05
	61/5	0	05	40
	61/6	0	08	75
	61/7	0	04	05
	61/8	0	13	75
	61/9	0	00	70
	62/1	0	00	60
	62/2	0	28	90
	62/3	0	04	80
	62/4बि	0	07	35
	63/1बि	0	08	00
	63/2	0	07	05
	63/13ए/1	0	00	90
	63/13ए/2	0	10	20
	64/1	0	17	80
	61/3*	0	29	20
मंडल: पेरवलि		जिल्हा : वेस्ट गोदावरी		राज्य : आन्ध्र प्रदेश
1) कानु जर्मिदारि	36/9	0	06	55
	36/8	0	15	00
	36/7	0	13	50
	36/3	0	08	95
	36/2	0	04	30
	37/5बि	0	01	70
	37/5ए	0	02	00
	37/4	0	08	80
	37/1	0	10	20
	37/3	0	09	50
	20/4	0	27	70
	20/5	0	18	00
	19/6	0	24	85
	19/1बि	0	17	10
	18/2बि	0	03	55
	16/1बि	0	08	25

1	2	3	4	5
1) कानु जमिंदारि निरंतर	43/3बि	0	01	20
	43/3ए	0	10	10
	43/2	0	00	45
	43/4ए	0	20	00
	43/1	0	14	20
	46/3	0	09	85
	46/2	0	07	40
	46/1	0	08	80
	3	0	00	85
	32/2*	0	02	10
	32/7*	0	08	50
	33/2*	0	06	85
	33/3*	0	11	50
	33/4*	0	25	55
2) नाडुपल्ले	150/1	0	37	85
	149/5*	0	18	55
	152/5	0	01	60
	152/4	0	01	45
	152/3	0	02	25
	153/3ए	0	34	15
	153/3बि	0	26	95
	153/1	0	16	30
	153/2	0	03	05
	9	0	04	65
	7/4	0	42	10
	7/3	0	13	55
	7/2	0	22	90
	7/1	0	23	40
	6/4	0	12	00
	6/3	0	11	40
	6/2	0	11	60
	6/1	0	11	40
	3/6	0	00	50
	3/5	0	12	90
	3/4	0	12	25
	3/3	0	13	00
	3/2	0	11	95
	3/1	0	03	40

1	2	3	4	5
2) नाडुपल्ले निरंतर	2/9	0	00	10
	4/2	0	10	05
	4/1	0	07	25
	1	0	27	65
मंडला निडदबोलु	जिल्हा : वेस्ट गोदावरी	राज्य : आन्ध्र प्रदेश		
1) मुनिपल्लि	133/4	00	22	55
	132/7	00	09	05
	132/8	00	10	90
	132/5	00	16	75
मंडला तारुपल्लि गूडेम	जिल्हा : वेस्ट गोदावरी	राज्य : आन्ध्र प्रदेश		
1) आरुगोलुनु	240/2बि	0	01	60
	240/1बि	0	08	70
	240/1ए	0	13	25
	240/2ए	0	00	10
	239/5बि	0	27	90
	239/5ए	0	11	30
	239/1इ	0	14	55
	239/1ए	0	41	40
	239/2	0	00	55
	238/1बि	0	09	85
	238/1ए	0	10	00
	237/1	0	21	00
	246	0	06	55
	256/4	0	16	50
	260/4सि	0	04	45
	260/4ए	0	00	35
	258/1	0	22	90
	259/2बि	0	05	80
	257/2बि	0	08	65
	257/2ए	0	11	10
	259/2बि	0	02	60
	259/2ए	0	00	15
	257/1	0	31	70
	275/3	0	15	70
	275/1	0	15	35
	276/3	0	03	10
	276/2	0	13	85

1	2	3	4	5
1) आरुगोलनु निरंतर	276/1	0	35	60
	293/1इ	0	06	15
	293/1डि	0	07	70
	293/1सि	0	05	55
	293/1बि	0	07	85
	293/3ए	0	00	10
	293/2ए	0	07	55
	291/3	0	21	95
	291/1	0	00	10
	290/1सि	0	62	80
	290/1डि	0	00	10
	288/1	0	95	50
	288/2	0	00	30
	288/3	0	29	80
	323/1बि	0	45	15
	327/1ए	0	06	85
	328/2ए	0	05	20
	328/4ए	0	13	00
	329/4	0	20	00
	329/3	0	44	55
	330/9	0	04	65
	330/6ए	0	46	40
	330/3	0	09	15
	330/2	0	11	85
	330/1	0	16	55
2) जगन्नाद पुरम	946/1	0	19	50
	947	0	10	60
	938	0	00	75
	937/2	0	30	05
	937/1	0	11	70
	944/3	0	17	80
	944/2	0	13	35
	943/2	0	07	40
	943/1	0	06	55
	944/1	0	01	85
	909	0	00	70
	910	0	07	75
	908/5	0	23	35

1	2	3	4	5
2) जगन्नाथ पुरम निरंतर	908/3	0	01	80
	907/3	0	19	70
	907/2	0	04	85
	907/1	0	04	60
	896	0	17	55
	906	0	00	85
	897	0	25	15
	698	0	05	35
	836/1	0	16	10
	835/2	0	43	20
	834/4	0	19	10
	834/2बि	0	00	50
	834/5	0	16	80
	834/6	0	01	05
	831/2बि	0	01	90
	830/2	0	15	50
	830/1सि	0	26	75
	830/1बि	0	09	65
	830/1ए	0	00	50
	817/3	0	23	65
	817/2	0	20	65
	817/1	0	17	20
	818	0	00	25
	820/3	0	09	25
	819/3	0	11	85
	819/2	0	20	85
	819/1	0	10	30
	798/1	0	16	80
	797/1बि	0	03	50
	797/2	0	31	80
	794	0	04	10
	789/5	0	42	85
	769/6	0	13	15
	790/1	0	01	25
	791/2बि	0	04	90
	791/2ए	0	08	60
	784/4सि	0	04	90
	764/4डि	0	01	55

1	2	3	4	5
2) जगन्नाद पुरम निरंतर	784/2बि	0	00	30
	791/1ए	0	12	40
	792	0	03	65
	740	0	02	05
	739	0	41	25
	738/1	0	06	80
	738/2ए	0	06	45
	738/2बि	0	03	65
	737/2	0	12	60
	737/1	0	12	60
	735	0	26	30
	734/4	0	01	55
	734/2	0	10	90
	734/3ए	0	01	50
	734/1	0	11	20
	729/5	0	10	45
	729/4	0	08	20
	730/1	0	03	30
	728	0	18	95
	727/3	0	23	60
	727/2	0	14	85
	716	0	01	40
	719/4	0	11	00
	719/3	0	08	95
	719/2	0	00	25
	718/4	0	13	50
	718/3	0	16	35
	718/1ए	0	00	35
	718/1बि	0	04	75
	718/2	0	14	95
	686	0	04	60
	680/4डि	0	07	55
	680/5डि	0	09	80
	680/5सि	0	11	90
	680/4सि	0	04	00
	680/5बि	0	18	90
	680/4बि	0	01	90
	680/4ए	0	00	45

1	2	3	4	5
2) जगन्नाथ पुरम निरंतर	660/5ए	0	20	50
	648/4	0	20	30
	648/6	0	00	75
	848/7	0	19	90
	647/8	0	01	05
	847/7	0	00	25
	647/9सि	0	08	50
	847/9बि	0	08	50
	847/9ए	0	15	25
	644/18	0	04	75
	644/19	0	07	15
	844/20	0	02	60
	644/22	0	04	85
	644/31	0	02	65
	644/26	0	05	85
	644/30	0	02	85
	644/25	0	04	30
	564	0	07	75
	562	0	08	00
	560/4	0	39	20
	558	0	90	15
	557	0	03	70
	543/2ए	0	04	65
	543/2बि	0	22	25
	543/3	0	18	20
	543/4बि	0	02	55
	543/4सि	0	03	65
	542	0	10	40
	541/2	0	77	25
	541/1	0	30	35
	509/3बि	0	04	45
	509/3ए	0	00	10
	509/1एफ	0	58	65
	509/1डि	0	00	10
	509/1इ	0	08	50
	508	0	33	35
	507/3	0	21	20
	507/1	0	29	15

1	2	3	4	5
2) जगन्नाद पुरम निरंतर	505/4	0	13	45
	505/2बि	0	04	20
	505/2ए	0	05	10
	505/3	0	10	40
	505/1	0	19	05
	488/3	0	31	05
	490/2	0	04	85
	490/1	0	26	90
	489/1	0	19	60
3) कोन्दुप्रोलु	180	0	03	15
	181	0	32	50
	182/6	0	22	25
	182/4	0	10	25
	182/3	0	17	20
	182/2	0	08	35
	182/1	0	17	55
	189	0	02	75
	190	1	47	15
	197/3	0	52	95
	196/7	0	02	30
	196/6	0	15	80
	196/5	0	17	10
	196/4	0	11	70
	196/3	0	01	55
	194/1	0	07	80
	194/2	0	28	65
	195/3	0	38	50
	195/2	0	03	95
	224/2	0	32	05
	222/2	0	14	55
	225	0	17	40
	234/2	0	43	25
	233/1	0	12	45
	236/3	0	03	30
	236/2	0	00	10
	236/1	0	38	85
	236/4	0	02	10
	238/1	0	09	40

1	2	3	4	5
3) कोन्दुप्रोलु निरंतर	239	0	20	80
	241/2	0	14	35
	244	0	10	50
	280/1	0	10	95
	279/1	0	21	95
	245	0	46	70
	253/2	1	02	90
	253/1	0	04	15
	252/अ	0	00	10
	252/4	0	17	20
	252/5	0	03	00
	252/1	0	09	50
	259/4अ	0	05	40
	259/4ए	0	02	35
	258/3ए	0	03	10
	258/1	0	04	45
	258/2अ	0	02	10
	258/2ए	0	04	80
	259/3	0	18	20
	260/अ	0	15	55
	260/2अ	0	03	15
	260/2अ	0	00	15
	262	0	33	25
	265/3	0	25	55
	265/4	0	04	30
	265/2	0	15	90
	265/5	0	05	05
	265/6	0	00	10
4) कुम्भनपल्लि	107/5	0	30	50
	107/4	0	09	25
	110/2	0	01	20
	165/2	0	17	15
	165/1	0	10	70
	164/1	0	23	25
	163/2	0	69	70
	163/1	0	04	10
	162	0	60	95
	164/1	0	37	80

1	2	3	4	5
4) कुन्धनपल्लि निरंतर	154/2	0	31	65
	155	0	00	45
	188	0	01	70
	186	0	71	30
	190	0	03	85
	29/2	0	55	65
	192	0	21	45
	27	0	82	80
5) नन्दपुर	68/1	00	21	00
	49/2	00	00	50
	48/3	00	46	65
	48/4	00	07	30
	44	00	33	75
	33/3	00	03	00
	32/3	00	53	90
	32/2	00	00	10
	36/1	00	04	45
	31	00	00	65
	37	00	04	75
	26	00	74	90
	27/1	00	28	45
	20	00	03	05
	8/2	00	26	05
	19/1	00	11	50
	8/1	00	02	60
	12/2	00	19	70
	9/3	00	18	85
	12/1	00	05	70
	9/2बि	00	03	80
	9/2ए	00	03	35
	11/1ए	00	10	90
	10/1	00	00	85
	10/3	00	05	65
	10/2	00	21	75
6) ताडेपल्ले	318	0	04	35
	318	0	33	50
	317/2	0	02	95
	317/1	0	08	70

1	2	3	4	5
6) ताडेपल्ले निरंतर	317/4ए	0	13	60
	317/4बि	0	00	60
	321	0	26	65
	322/4	0	06	30
	322/5	0	14	05
	322/3	0	00	35
	322/7	0	03	45
	322/6	0	11	55
	323	0	07	40
	666/2ए	0	04	35
	324/1	0	05	00
	667/1	0	29	60
	667/2	0	07	20
	667/3	0	00	10
	665/3	0	19	75
	665/2	0	07	10
	665/1	0	08	45
	664/2	0	04	10
	664/3	0	00	15
	664/1	0	25	80
	664/6	0	06	20
	344	0	00	10
	345	0	16	05
	662	0	01	10
	346	0	36	40
	644	0	24	60
	639	0	00	10
	640	0	20	50
	641	0	86	05
	642/2	0	02	80
	642/1	0	28	60
	643/1	0	00	10
	634	0	24	65
	617	0	20	70
	633/2	0	46	55
	625/2	0	00	50
	625/3	0	24	40
	621/1	0	36	55

1	2	3	4	5
6) ताडेपल्ले निरंतर	624	0	00	10
	622	0	04	45
	623	0	00	50
	606	0	00	10
	600/2बि	0	11	90
	600/3बि	0	09	20
	600/2ए	0	06	20
	600/3ए	0	15	40
	596	0	30	25
	597	0	28	25
	594	0	03	95
	568/1	0	03	70
	568/2	0	23	90
	592/2	0	01	95
	592/1	0	24	50
	569/4	0	04	45
	570/2	0	20	30
	570/1	0	10	00
	572/2ए	0	06	55
	572/1ए	0	30	15
	572/1बि	0	16	40
	571	0	08	85
	557/3	0	19	15
	575	0	05	65
	576/1	0	13	65
	576/3	0	07	40
	576/4ए	0	19	55
	536/1बि	0	11	60
	536/2	0	30	35
	655/1	0	07	50
	856/2	0	39	10
	856/1	0	02	00
	664	0	00	25
	663/1	0	26	90
	663/2	0	14	05
	665/2बि	0	05	90
	662/1	0	03	20
	865/2इ	0	15	45

1	2	3	4	5
6) ताडेपल्ले निरंतर	865/2डि	0	29	95
	865/2बि	0	11	50
	888	0	08	30
	874/3	0	28	90
	874/2बि	0	01	05
	874/1	0	04	85
	874/2ए	0	29	05
	877/3	0	15	25
	872/3	0	00	50
	872/2	0	19	15
	872/1बि	0	18	35
	872/1ए	0	03	75
	871/1ए	0	12	35
	878/1	0	26	30
मंडला उद्योजक	जिल्हा : वेस्ट गोदावरी		राज्य : आन्ध्र प्रदेश	
1) काल्वरि	110	0	13	80
	111/2सि	0	02	30
	111/2डि	0	37	10
	458	0	03	10
	440	0	25	55
	112/7	0	01	20
	112/1बि	0	08	20
	112/5	0	09	15
	112/4	0	07	30
	112/2	0	12	80
	113/5बि	0	12	05
	113/5ए	0	15	90
	113/4	0	09	30
	113/3	0	09	10
	113/2	0	17	45
	114	0	16	90
	99/2ए	0	02	85
	99/2बि	0	00	10
	99/1एफ	0	13	05
	99/1जि	0	08	65
	99/1सि	0	11	75
	96/3	0	18	80
	99/1बि	0	26	90

1	2	3	4	5
1) काल्दरि निरंतर	99/1ए	0	27	25
	92/6सि	0	00	75
	92/9ए	0	27	10
	92/9बि	0	00	30
	92/10ए	0	00	10
	92/8डि	0	08	75
	92/8सि	0	06	75
	92/8बि	0	00	60
	92/6ए	0	00	55
	92/7ए	0	03	85
	92/7बि	0	12	55
	93/3ए	0	38	60
	93/1	0	04	30
	64	0	05	15
	65/2डि	0	05	45
	65/3बि	0	07	40
	65/4ए	0	02	30
	65/3ए	0	14	35
	65/5ए	0	05	20
	65/2सि	0	02	35
	65/1इ	0	01	75
	65/1डि	0	01	75
	65/1बि	0	02	15
	53/7	0	08	95
	53/8	0	15	15
	53/3	0	12	80
	53/2	0	14	80
	54/7	0	14	15
	54/6	0	14	45
	52/1	0	01	60
	54/4बि	0	09	25
	54/4ए	0	01	40
	47/7	0	25	10
	47/8	0	02	05
	47/6	0	12	55
	47/5	0	10	85
	47/2	0	00	10
	47/3	0	16	40

1	2	3	4	5
1) काल्दरि निरंतर	47/4	0	07	80
	46/1बि	0	05	75
	46/1ए	0	41	75
	31	0	05	10
	26/2	0	24	45
	26/3बि	0	01	15
	26/3ए	0	13	65
	26/4	0	00	25
	3/6	0	04	65
	4/3	0	13	00
	4/2	0	26	90
	3/2सि	0	02	85
	4/1सि	0	10	15
	4/5ए	0	01	55
	4/4ए2	0	08	70
	4/1बि	0	07	65
	4/1ए	0	14	00
2) वेलिवेन्नु	92	00	13	80
	82	00	84	65
	80/1	00	34	75
	80/2	00	04	35
	79/4	00	00	20
	79/3	00	35	80
	79/1बि	00	00	20
	84	00	01	85
	78/13	00	02	00
	77	00	09	00
	76/11	00	05	35
	76/12	00	14	75
	75/4सि	00	15	85
	75/4बि	00	07	95
	75/4ए	00	07	75
	75/3	00	06	70
	75/2	00	03	25
	75/1सि	00	17	10
	131	00	08	05
	132/6	00	19	45
	132/5	00	10	75

1	2	3	4	5
2) वेलिवेनु निरंतर	132/1	00	02	75
	136/8	00	06	30
	136/7	00	04	95
	136/6	00	03	55
	136/5	00	16	35
	136/3	00	14	50
	136/2	00	11	15
	136/1	00	07	25
	135/3	00	16	65
	137/10	00	40	35
	135/1	00	18	65
	137/3	00	03	85
	135/2	00	02	30
	138	00	18	15
	143/2	00	17	50
	144	00	04	75
	145/2	00	03	15
	145/1	00	00	75
	146	00	04	00
	148/1	00	00	25
	148/2	00	25	30
	148/5	00	13	35
	148/4	00	03	25
	150/11	00	10	05
	150/10	00	14	20
	150/9	00	11	65
	150/13	00	04	30
	152	00	42	75
	153/6	00	09	45
	153/5	00	14	20
	153/4	00	11	20
	153/3	00	12	10
	153/1	00	09	00
	154/3	00	04	55
	154/4	00	10	85
	154/1	00	25	95
	157/4वि	00	15	80
	157/4ए	00	14	05

1	2	3	4	5
2) वेलिवेनु निरंतर	157/3	00	13	20
	157/2	00	06	85
	158	00	15	75
	164/1	00	05	70

* का.आ. 1651, दिनांक: 11-06-2003 द्वारा पी.एम.पी. ऐक्ट, 1962 की धारा 3 की उपधारा (1) के अन्तर्गत सूचित किये गये सर्वे नंबर। इस प्रतिपादन नया विस्तीर्ण केलिए।

[फा. सं. एल-14014/3/2006-जी.पी.]

एस. बी. मंडल, अवर सचिव

New Delhi, the 8th February, 2006

S. O. 583.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from the exploration blocks in the Northern/Southern Offshore of Goa and Structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of East Godavari and West Godavari Districts in the State of Andhra Pradesh, a Pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas it appears to the Central Government that for the purpose of laying the said Pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section (3) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri. P. Butcha Reddy, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, 20-6-5, Sri Surya Complex, Cinema Road, Kakinada - 533 001, East Godavari Dist, Andhra Pradesh State.

Schedule				
Mandal : Atreya puram / District : East Godavari / State : Andhra Pradesh				
Village	Survey No./Sub-Division No.	Area to be acquired for ROU		
		Hectare	Are	C-Are
1	2	3	4	5
1) Vasantavada	103	0	04	90
2) Vuchchili	61/4	0	07	05
	61/5	0	05	40
	61/6	0	08	75
	61/7	0	04	05
	61/8	0	13	75
	61/9	0	00	70
	62/1	0	00	80

1	2	3	4	5
2) Vuchchala (contd.)	62/2	0	28	90
	62/3	0	04	80
	62/4B	0	07	35
	63/1B	0	08	00
	63/2	0	07	05
	63/13A/1	0	00	90
	63/13A/2	0	10	20
	64/1	0	17	80
	61/3*	0	29	20
Mandal : Peravali District : West Godavari State : Andhra Pradesh				
1) Kanuru (Zamindari)	36/9	0	08	55
	36/8	0	15	00
	36/7	0	13	50
	36/3	0	06	95
	36/2	0	04	30
	37/5B	0	01	70
	37/5A	0	02	00
	37/4	0	08	80
	37/1	0	10	20
	37/3	0	09	50
	20/4	0	27	70
	20/5	0	16	00
	19/6	0	24	85
	19/1B	0	17	10
	18/2B	0	03	55
	18/1B	0	08	25
1) Kanuru (Zamindari) Contd...	43/3B	0	01	20
	43/3A	0	10	10
	43/2	0	00	45
	43/4A	0	20	00
	43/1	0	14	20
	46/3	0	09	85
	46/2	0	07	40
	46/1	0	08	80
	3	0	00	85
	32/2*	0	02	10
	32/7*	0	08	50
	33/2*	0	06	85
	33/3*	0	11	50
	33/4*	0	25	55
2) Nadupalle	150/1	0	37	85
	149/5*	0	18	55
	152/5	0	01	60
	152/4	0	01	45
	152/3	0	02	25
	153/3A	0	34	15
	153/3B	0	26	95

1	2	3	4	5
2) Nadupalle Contd...	153/1	0	16	30
	153/2	0	03	05
	9	0	04	65
	7/4	0	42	10
	7/3	0	13	55
	7/2	0	22	90
	7/1	0	23	40
	6/4	0	12	00
	6/3	0	11	40
	6/2	0	11	60
	6/1	0	11	40
	3/6	0	00	50
	3/5	0	12	90
	3/4	0	12	25
	3/3	0	13	00
	3/2	0	11	95
	3/1	0	03	40
	2/9	0	00	10
	4/2	0	10	05
	4/1	0	07	25
	1	0	27	65

Mandal : NIDADAVOLU**District : West Godavari****State : Andhra Pradesh**

1) Munipalli	133/4	00	22	55
	132/7	00	09	05
	132/6	00	10	90
	132/5	00	16	75

Mandal : Tadepalligudem**District : West Godavari****State : Andhra Pradesh**

1) Arugolanu	240/2B	0	01	60
	240/1B	0	08	70
	240/1A	0	13	25
	240/2A	0	00	10
	239/5B	0	27	90
	239/5A	0	11	30
	239/1E	0	14	55
	239/1A	0	41	40
	239/2	0	00	55
	238/1B	0	09	85
	238/1A	0	10	00
	237/1	0	21	00
	246	0	06	55
	256/4	0	16	50
	260/4C	0	04	45
	260/4A	0	00	35
	256/1	0	22	90
	259/2D	0	05	80
	257/2B	0	08	65

1	2	3	4	5
1) Arugolanu Contd...	257/2A	0	11	10
	259/2B	0	02	60
	259/2A	0	00	15
	257/1	0	31	70
	275/3	0	15	70
	275/1	0	15	35
	276/3	0	03	10
	276/2	0	13	85
	276/1	0	35	60
	293/1E	0	06	15
	293/1D	0	07	70
	293/1C	0	05	55
	293/1B	0	07	85
	293/3A	0	00	10
	293/2A	0	07	55
	291/3	0	21	95
	291/1	0	00	10
	290/1C	0	62	60
	290/1D	0	00	10
	288/1	0	95	50
	288/2	0	00	30
	288/3	0	29	80
	323/1B	0	45	15
	327/1A	0	06	85
	328/2A	0	05	20
	328/4A	0	13	00
	329/4	0	20	00
	329/3	0	44	55
	330/9	0	04	65
	330/6A	0	48	40
	330/3	0	09	15
	330/2	0	11	85
	330/1	0	16	55
2) Jagannadha puram	948/1	0	19	50
	947	0	10	60
	936	0	00	75
	937/2	0	30	05
	937/1	0	11	70
	944/3	0	17	80
	944/2	0	13	35
	943/2	0	07	40
	943/1	0	06	55
	944/1	0	01	65
	909	0	00	70
	910	0	07	75
	908/5	0	23	35

1	2	3	4	5
2). Jagannadha puram Contd...	908/3	0	01	80
	907/3	0	19	70
	907/2	0	04	85
	907/1	0	04	60
	896	0	17	55
	906	0	00	85
	897	0	25	15
	898	0	05	35
	836/1	0	16	10
	835/2	0	43	20
	834/4	0	19	10
	834/2B	0	00	50
	834/5	0	16	80
	834/6	0	01	05
	831/2B	0	01	90
	830/2	0	15	50
	830/1C	0	26	75
	830/1B	0	09	65
	830/1A	0	00	50
	817/3	0	23	85
	817/2	0	20	65
	817/1	0	17	20
	818	0	00	25
	820/3	0	09	25
	819/3	0	11	85
	819/2	0	20	85
	819/1	0	10	30
	798/1	0	16	80
	797/1B	0	03	50
	797/2	0	31	80
	794	0	04	10
	789/5	0	42	85
	789/6	0	13	15
	790/1	0	01	25
	791/2B	0	04	90
	791/2A	0	08	60
	784/4C	0	04	90
	784/4D	0	01	55

1	2	3	4	5
2) Jagannadha puram Contd...	784/2B	0	00	30
	791/1A	0	12	40
	792	0	03	65
	740	0	02	05
	739	0	41	25
	738/1	0	06	80
	738/2A	0	06	45
	738/2B	0	03	65
	737/2	0	12	60
	737/1	0	12	60
	735	0	26	30
	734/4	0	01	55
	734/2	0	10	90
	734/3A	0	01	50
	734/1	0	11	20
	729/5	0	10	45
	729/4	0	08	20
	730/1	0	03	30
	728	0	18	95
	727/3	0	23	60
	727/2	0	14	85
	716	0	01	40
	719/4	0	11	00
	719/3	0	08	95
	719/2	0	00	25
	718/4	0	13	50
	718/3	0	16	35
	718/1A	0	00	35
	718/1B	0	04	75
	718/2	0	14	95
	686	0	04	60
	680/4D	0	07	55
	680/5D	0	09	80
	680/5C	0	11	90
	680/4C	0	04	00
	680/5B	0	18	90
	680/4B	0	01	90
	680/4A	0	00	45

1	2	3	4	5
2) Jagannadha puram Contd... 680/5A		0	20	50
648/4		0	20	30
648/6		0	00	75
648/7		0	19	90
647/8		0	01	05
647/7		0	00	25
647/9C		0	08	50
647/9B		0	08	50
647/9A		0	15	25
644/18		0	04	75
644/19		0	07	15
844/20		0	02	60
644/22		0	04	85
644/31		0	02	65
644/26		0	05	85
644/30		0	02	85
644/25		0	04	30
564		0	07	75
562		0	08	00
560/4		0	39	20
558		0	90	15
557		0	03	70
543/2A		0	04	65
543/2B		0	22	25
543/3		0	18	20
543/4B		0	02	55
543/4C		0	03	65
542		0	10	40
541/2		0	77	25
541/1		0	30	35
509/3B		0	04	45
509/3A		0	00	10
509/1F		0	56	65
509/1D		0	00	10
509/1E		0	08	50
508		0	33	35
507/3		0	21	20
507/1		0	29	15

1	2	3	4	5
2) Jagannadha puram Contd...	505/4	0	13	45
	505/2B	0	04	20
	505/2A	0	05	10
	505/3	0	10	40
	505/1	0	19	05
	488/3	0	31	05
	490/2	0	04	85
	490/1	0	26	90
	489/1	0	19	60
3) Kondrupolu	180	0	03	15
	181	0	32	50
	182/6	0	22	25
	182/4	0	10	25
	182/3	0	17	20
	182/2	0	08	35
	182/1	0	17	55
	189	0	02	75
	190	1	47	15
	197/3	0	52	95
	196/7	0	02	30
	196/6	0	15	80
	196/5	0	17	10
	196/4	0	11	70
	196/3	0	01	55
	194/1	0	07	80
	194/2	0	28	65
	195/3	0	38	50
	195/2	0	03	95
	224/2	0	32	05
	222/2	0	14	55
	225	0	17	40
	234/2	0	43	25
	233/1	0	12	45
	236/3	0	03	30
	236/2	0	00	10
	236/1	0	36	85
	236/4	0	02	10
	238/1	0	09	40

1	2	3	4	5
3) Kondrupolu Contd...	239	0	20	80
	241/2	0	14	35
	244	0	10	50
	280/1	0	10	95
	279/1	0	21	95
	245	0	46	70
	253/2	1	02	90
	253/1	0	04	15
	252/3C	0	00	10
	252/4	0	17	20
	252/5	0	03	00
	252/1	0	09	50
	259/4B	0	05	40
	259/4A	0	02	35
	258/3A	0	03	10
	258/1	0	04	45
	258/2B	0	02	10
	258/2A	0	04	80
	259/3	0	16	20
	260/3B	0	15	55
	260/2C	0	03	15
	260/2B	0	00	15
	262	0	33	25
	265/3	0	25	55
	265/4	0	04	30
	265/2	0	15	90
	265/5	0	05	05
	265/6	0	00	10
4) Kunchanapalli	107/5	0	30	50
	107/4	0	09	25
	110/2	0	01	20
	165/2	0	17	15
	165/1	0	10	70
	164/1	0	23	25
	163/2	0	59	70
	163/1	0	04	10
	162	0	60	95
	154/1	0	37	80

1	2	3	4	5
4) Kunchanapalli Contd...	154/2	0	31	65
	155	0	00	45
	188	0	01	70
	186	0	71	30
	190	0	03	85
	29/2	0	55	65
	192	0	21	45
	27	0	62	60
5) Nandamuru	68/1	00	21	00
	49/2	00	00	50
	48/3	00	46	65
	48/4	00	07	30
	44	00	33	75
	33/3	00	03	00
	32/3	00	53	90
	32/2	00	00	10
	36/1	00	04	45
	31	00	00	65
	37	00	04	75
	26	00	74	90
	27/1	00	26	45
	20	00	03	05
	8/2	00	26	05
	19/1	00	11	50
	8/1	00	02	80
	12/2	00	19	70
	9/3	00	18	85
	12/1	00	05	70
	9/2B	00	03	60
	9/2A	00	03	35
	11/1A	00	10	90
	10/1	00	00	85
	10/3	00	05	65
	10/2	00	21	75
6) Tadepalle	318	0	04	35
	316	0	33	50
	317/2	0	02	95
	317/1	0	06	70

1	2	3	4	5
6) Tadepalle Contd...	317/4A	0	13	60
	317/4B	0	00	60
	321	0	26	65
	322/4	0	06	30
	322/5	0	14	05
	322/3	0	00	35
	322/7	0	03	45
	322/6	0	11	55
	323	0	07	40
	668/2A	0	04	35
	324/1	0	05	00
	667/1	0	29	60
	667/2	0	07	20
	667/3	0	00	10
	665/3	0	19	75
	665/2	0	07	10
	665/1	0	08	45
	664/2	0	04	10
	664/3	0	00	15
	664/1	0	25	80
	664/8	0	06	20
	344	0	00	10
	345	0	16	05
	662	0	01	10
	346	0	36	40
	644	0	24	60
	639	0	00	10
	640	0	20	50
	641	0	68	05
	642/2	0	02	80
	642/1	0	26	60
	643/1	0	00	10
	634	0	24	85
	617	0	20	70
	633/2	0	46	55
	625/2	0	00	50
	625/3	0	24	40
	621/1	0	38	55

1	2	3	4	5
6) Tadepalle Contd...	624	0	00	10
	622	0	04	45
	623	0	00	50
	606	0	00	10
	600/2B	0	11	90
	600/3B	0	09	20
	600/2A	0	06	20
	600/3A	0	15	40
	598	0	30	25
	597	0	28	25
	594	0	03	95
	568/1	0	03	70
	568/2	0	23	90
	592/2	0	01	95
	592/1	0	24	50
	569/4	0	04	45
	570/2	0	20	30
	570/1	0	10	00
	572/2A	0	06	55
	572/1A	0	30	15
	572/1B	0	16	40
	571	0	06	85
	557/3	0	19	15
	575	0	05	65
	576/1	0	13	65
	576/3	0	07	40
	576/4A	0	19	55
	538/1B	0	11	60
	538/2	0	30	35
	855/1	0	07	50
	856/2	0	39	10
	856/1	0	02	00
	864	0	00	25
	863/1	0	26	90
	863/2	0	14	05
	865/2C	0	05	90
	862/1	0	03	20
	865/2E	0	15	45

1	2	3	4	5
6) Tadepalle Contd...	865/2D	0	29	95
	865/2B	0	11	50
	866	0	08	30
	874/3	0	26	90
	874/2B	0	01	05
	874/1	0	04	85
	874/2A	0	29	05
	877/3	0	15	25
	872/3	0	00	50
	872/2	0	19	15
	872/1B	0	18	35
	872/1A	0	03	75
	871/1A	0	12	35
	878/1	0	26	30
Mandai : Undraja varam District : West Godavari State : Andhra Pradesh				
1) Kaldhari	110	0	13	80
	111/2C	0	02	30
	111/2D	0	37	10
	458	0	03	10
	440	0	25	55
	112/7	0	01	20
	112/1B	0	08	20
	112/5	0	09	15
	112/4	0	07	30
	112/2	0	12	60
	113/5B	0	12	05
	113/5A	0	15	90
	113/4	0	09	30
	113/3	0	09	10
	113/2	0	17	45
	114	0	16	90
	99/2A	0	02	85
	99/2B	0	00	10
	99/1F	0	13	05
	99/1G	0	06	85
	99/1C	0	11	75
	98/3	0	18	80
	99/1B	0	26	90

1	2	3	4	5
1) Kaldhari Contd...	99/1A	0	27	25
	92/6C	0	00	75
	92/9A	0	27	10
	92/9B	0	00	30
	92/10A	0	00	10
	92/8D	0	08	75
	92/8C	0	06	75
	92/8B	0	00	60
	92/8A	0	00	55
	92/7A	0	03	85
	92/7B	0	12	55
	93/3A	0	38	60
	93/1	0	04	30
	64	0	05	15
	65/2D	0	05	45
	65/3B	0	07	40
	65/4A	0	02	30
	65/3A	0	14	35
	65/5A	0	05	20
	65/2C	0	02	35
	65/1E	0	01	75
	65/1D	0	01	75
	65/1B	0	02	15
	53/7	0	08	95
	53/8	0	15	15
	53/3	0	12	80
	53/2	0	14	80
	54/7	0	14	15
	54/6	0	14	45
	52/1	0	01	60
	54/4B	0	09	25
	54/4A	0	01	40
	47/7	0	25	10
	47/8	0	02	05
	47/6	0	12	55
	47/5	0	10	85
	47/2	0	00	10
	47/3	0	16	40

1	2	3	4	5
1) Kaldhari Contd...	47/4	0	07	80
	46/1B	0	05	75
	46/1A	0	41	75
	31	0	05	10
	26/2	0	24	45
	26/3B	0	01	15
	26/3A	0	13	65
	26/4	0	00	25
	3/6	0	04	65
	4/3	0	13	00
	4/2	0	26	90
	3/2C	0	02	85
	4/1C	0	10	15
	4/5A	0	01	55
	4/4A2	0	08	70
	4/1B	0	07	65
	4/1A	0	14	00
2) Velivenu	92	00	13	80
	82	00	84	65
	80/1	00	34	75
	80/2	00	04	35
	79/4	00	00	20
	79/3	00	35	80
	79/1B	00	00	20
	84	00	01	85
	78/13	00	02	00
	77	00	09	00
	76/11	00	05	35
	76/12	00	14	75
	75/4C	00	15	85
	75/4B	00	07	95
	75/4A	00	07	75
	75/3	00	06	70
	75/2	00	03	25
	75/1C	00	17	10
	131	00	08	05
	132/6	00	19	45
	132/5	00	10	75

1	2	3	4	5
2) Velivennu Contd...	132/1	00	02	75
	136/8	00	06	30
	136/7	00	04	95
	136/6	00	03	55
	136/5	00	16	35
	136/3	00	14	50
	136/2	00	11	15
	136/1	00	07	25
	135/3	00	16	65
	137/10	00	40	35
	135/1	00	18	65
	137/3	00	03	85
	135/2	00	02	30
	138	00	18	15
	143/2	00	17	50
	144	00	04	75
	145/2	00	03	15
	145/1	00	00	75
	146	00	04	00
	148/1	00	00	25
	148/2	00	25	30
	148/5	00	13	35
	148/4	00	03	25
	150/11	00	10	05
	150/10	00	14	20
	150/9	00	11	65
	150/13	00	04	30
	152	00	42	75
	153/6	00	09	45
	153/5	00	14	20
	153/4	00	11	20
	153/3	00	12	10
	153/1	00	09	00
	154/3	00	04	55
	154/4	00	10	85
	154/1	00	25	95
	157/4B	00	15	80
	157/4A	00	14	05

1	2	3	4	5
2) Velivenu Contd...	157/3	00	13	20
	157/2	00	06	85
	158	00	15	75
	164/1	00	05	70

* Survey Nos. notified vide S.O. 1851 dated 11/06/2003 u/s 3(1) of P&MP Act 1962. Present proposal is for additional areas.

[F. No. L-14014/3/2006-G.P.]

S. B. MANDAL, Under Secy.

नई दिल्ली, 8 फरवरी, 2006

का. आ. 584.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है की मेसर्स गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड की संप्रवर्तक कंपनी मेसर्स रिलाएंस इंडस्ट्रीज लिमिटेड, के गोवा में उत्तरी/ दक्षिणी अपतट में खोज ब्लाकों और आन्ध्रप्रदेश में संरचनाओं से महाराष्ट्र राज्य में, लातूर और उस्मानाबाद जिले के विभिन्न उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मेसर्स गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है की उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा (3) की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री. डी.एस. धोत्रे, सक्षम अधिकारी, गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड, प्लॉट नं. 14/ व, नीरा पाम सोसायटी, विजापूर रोड, सोलापूर-413004, महाराष्ट्र राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

मंडल/ तहसील/ तालुका : निलंगा	जिल्हा : लातूर	राज्य : महाराष्ट्र	अर्जित करने के लिए क्षेत्रफल		
गांव का नाम	सर्वे / हिस्सा नंबर		हेक्टर	एर	सि-एर
1	2		3	4	5
1) हतरगा (हलसी)	37*		00	50	50
मंडल/ तहसील/ तालुका : उमरगा	जिल्हा : उस्मानाबाद	राज्य : महाराष्ट्र			
1) चाकुर	82/3**		00	18	00
	161/1/1**		00	64	10
	161/1/7*		00	47	10
	82/7*		00	43	00
2) नारंगवाडी	37**		00	52	90
	15/3**		00	13	30
	7/8**		00	05	00
	223/1**		00	08	70
	223/2**		00	06	80

1	2	3	4	5
2) नारंगवाडी (सिंदूर...)	210/2**	00	04	50
	16/3*	00	21	20
	13/2*	00	09	40
	7/1*	00	11	00
	7/7*	00	09	70
	7/9*	00	09	80
	10/4*	00	09	30
	10/5*	00	28	40
	223/3*	00	22	50
	213/5*	00	42	50
	211/5*	00	21	00
	209/2*	00	94	20
	204/4*	00	52	80
	203/1*	00	03	60
3) पेट सांगवी	29/2**	00	39	40
	29/1**	00	11	70
	गाडी रस्ता सर्व्हे नं. 19 में**	00	05	90
	228/2**	00	01	40
	225/3**	00	20	10
	15/ब/2*	00	19	20
	15/अ/2*	00	40	60
	16/3*	00	17	15
	16/1*	00	17	15
	229/1*	00	47	20
	247/10*	00	22	80
	247/8*	00	43	80
मंडल/ तहसील/ तालुका : लोहारा	जिल्हा : लातूर	राज्य : महाराष्ट्र		
1) राजेगांव	79/10**	00	08	50
	79/5**	00	11	30
	79/3*	00	14	00
	79/4*	00	13	50
	79/8*	00	10	60
	89/2/2*	00	34	10
2) सास्तुर	33/2/2**	00	12	60
	11/3**	00	21	00
	11/2**	00	08	00
	33/2/1*	00	36	00
3) कानेगांव	41/6**	00	32	30
	41/7*	00	27	00
4) अरनी	63/1/1*	00	37	70
	4/2*	00	07	00
मंडल/ तहसील/ तालुका : औसा	जिल्हा : लातूर	राज्य : महाराष्ट्र		
1) मंगरूळ	65**	00	13	40
	68/अ*	00	01	20
	68/ब*	00	27	20
2) सारणी	60/अ**	00	32	40
3) आशीव	239/2*	00	59	30

1	2	3	4	5
मंडल/ तहसील/ तालुका : उस्मानाबाद	जिल्हा : उस्मानाबाद	राज्य : महाराष्ट्र		
1) गावसुद	62**	00	02	80
2) उस्मानाबाद (ग्रामीण)	654*	00	53	40

* नई अधिसूचना.

** का.अ. 2582, दिनांक : 13/10/2004 द्वारा पी.एम.पी. अक्ट, 1962 की धारा 3 की उपधारा (1) के अन्तर्गत सूचित किये गये सर्वे नंबर.

[फा. सं. एल-14014/4/2006-जी.पी.]

एस. बी. मंडल, अवर सचिव

New Delhi, the 8th February, 2006

S. O. 584.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of the natural gas from exploration blocks in the Northern/ Southern Offshore of Goa and structures in Andhra Pradesh of M/s Reliance Industries Limited, the promoter company of M/s Gas Transportation and Infrastructure Company Limited to the various consumers of District Latur and Osmanabad in the State of Maharashtra, a pipeline should be laid by M/s Gas Transportation and Infrastructure Company Limited;

And whereas, it appears to the Central Government that for the purpose of laying the such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the acquisition of right of the user therein for laying the pipeline under the land to Shri. D.S. Dhotre, Competent Authority, Gas Transportation and Infrastructure Company Limited Pipeline Project, Plot No. 14/B, Neera Palm Society, Vijapur Road, Solapur-413004, Maharashtra State.

Schedule

Mandal/Tehsil/Taluka: Nilanga		District: Latur		State : Maharashtra	
Village	Survey/ Sub-division No.	Area to be acquired for R.O.U.			
		Hectare	Are	C-Are	
1	2	3	4	5	
1) Hatarga (Halsi)	37*	00	50	50	
Mandal/Tehsil/Taluka: Umarga					
		District: Osmanabad		State : Maharashtra	
1) Chakur	82/3**	00	18	00	
	161/1/1**	00	64	10	
	161/1/7*	00	47	10	
	82/7*	00	43	00	
2) Narangwadi	37**	00	52	90	
	15/3**	00	13	30	
	7/8**	00	05	00	
	223/1**	00	08	70	
	223/2**	00	06	80	
	210/2**	00	04	50	
	16/3*	00	21	20	
	13/2*	00	09	40	
	7/1*	00	11	00	

1	2	3	4	5
2) Naranguadi Corral	7/7*	00	09	70
	7/9*	00	09	80
	10/4*	00	09	30
	10/5*	00	28	40
	223/3*	00	22	50
	213/5*	00	42	50
	211/5*	00	21	00
	209/2*	00	94	20
	204/4*	00	52	80
	203/1*	00	03	60
3) Peth. Sangvi	29/2**	00	39	40
	29/1**	00	11	70
	Cart Track in Survey No. 19**	00	05	90
	228/2**	00	01	40
	225/3**	00	20	10
	15/B/2*	00	19	20
	15/A/2*	00	40	60
	16/3*	00	17	15
	16/1*	00	17	15
	229/1*	00	47	20
	247/10*	00	22	80
	247/8*	00	43	80
Mandal/Tehsil/Taluka: Lohara		District: Osmanabad		State : Maharashtra
1) Rajegaon	79/10**	00	08	50
	79/5**	00	11	30
	79/3*	00	14	00
	79/4*	00	13	50
	79/8*	00	10	60
	89/2/2*	00	34	10
2) Sastur	33/2/2**	00	12	60
	11/3**	00	21	00
	11/2**	00	08	00
	33/2/1*	00	36	00
3) Kanegaon	41/6**	00	32	30
	41/7*	00	27	00
4) Arni	63/1/1*	00	37	70
	4/2*	00	07	00
Mandal/Tahsil/Taluka: Ausa		District: Latur		State : Maharashtra
1) Mangrul	65**	00	13	40
	68/A*	00	01	20
	68/B*	00	27	20
2) Sarni	60/A**	00	32	40
3) Ashiv	239/2*	00	59	30
Mandal/Tehsil/Taluka: Osmanabad		District: Osmanabad		State : Maharashtra
1) Gaosud	62**	00	02	80
2) Osmanabad(Rural)	654*	00	53	40

* Fresh Notification

** Survey Nos. Notified vide S.O. 2582 dated 13/10/2004 u/s 3(1) of PMP, Act 1962. Additional areas.

[F. No. L-14014/4/2006-G.P.]

S. B. MANDAL, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 13 जनवरी, 2006

का.आ. 585.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. हिन्दुस्तान जिंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण उदयपुर के पंचाट (संदर्भ संख्या 15/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-2006 को प्राप्त हुआ था।

[सं. एल-43012/13/2000-आई. आर. (विविध)]

बी. एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 13th January, 2006

S.O. 585.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2001) of the Industrial Tribunal, Udaipur as shown in the Annexure, in the Industrial Dispute between the management of M/s. Hindustan Zinc Ltd. and their workmen, received by the Central Government on 12-1-2006.

[No. L-43012/13/2000-IR (M)]

B.M. DAVID, Under Secy.

अनुबन्ध

**न्यायालय औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय,
उदयपुर (राज.)**

पीठासीन अधिकारी--उषा अग्रवाल आर एच जे एस**प्रकरण क्रमांक 15/2001 औद्योगिक विवाद**

श्री ख्याली लाल पुत्र श्री बी. एल. हरिजन द्वारा अरूण व्यास
उपाध्यक्ष माही मजदूर संगठन—उदयपुर

—प्रार्थी

विरुद्ध

श्री डिप्टी जनरल मैनेजर, हिन्दुस्तान जिंक लि.
जिंक स्मेल्टर देबारी, उदयपुर

—विपक्षी

उपस्थित :

प्रार्थी की ओर से श्री अरूण व्यास
विपक्षी की ओर से श्री बी. एल. गुप्ता

पंचाट

दिनांक 9-12-2005

केन्द्र सरकार के श्रम विभाग की अधिसूचना क्रमांक एल-43012/13/2000/आईआर (एम) नई दिल्ली मिनिस्ट्री ऑफ लेबर/श्रम मंत्रालय दिनांक 27-7-2000 के द्वारा निम्नलिखित प्रसंग इस न्यायालय को अधिनिर्णय हेतु प्रेषित किया गया—

“Whether the action of the management of Hindustan Zinc Ltd., Zinc Smelter Debari Distt. Udaipur in imposing penalty as termination from

service of Shri Khyali Lal S/o Sh. Bheru Lal Harijan, Ex-Helper w.e.f. 18-4-99 is legal and justified? If not, what relief workman concerned is entitled?”

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 3-9-2001 को नियमित औद्योगिक विवाद संख्या 15/2001 दर्ज रजिस्टर किया गया पक्षकारान को नोटिस जारी किये गये। जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जवाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार है कि प्रार्थी विपक्षी के अधीन संचालित प्लांट में मजदूर के रूप में दिनांक 9-7-75 को नियुक्त किया गया था। प्रार्थी का परिविसाकाल पूरा होने पर दिनांक 7-2-99 को हैल्पर पद पर क्रमोन्नत किया गया तथा प्रार्थी ने उक्त पद पर संतोषप्रद सेवाएं दी थी। प्रार्थी के निरन्तर बीमार रहने से विपक्षी ने उसे दिनांक 23-7-80 को सेवा पृथक कर दिया परन्तु प्रार्थी द्वारा पुनः नौकरी में लिये जाने का निवेदन करने पर दिनांक 16-2-81 को उसे टेम्परेरी नियुक्ति दी गई परन्तु दिनांक 30-6-82 को पुनः सेवा से पृथक कर दिया गया। प्रार्थी द्वारा इस सेवा पृथककरण से श्रम न्यायालय, उदयपुर में श्रम विवाद क्रमांक 28/85 एल सी जरिये अधिसूचना दर्ज करवाया। इस प्रकरण के निर्णय दिनांक 8-5-91 से प्रार्थी श्रमिक को सेवा निरन्तरता के मजदूर कैटेगरी प्रथम पद पर नियुक्त कर निर्णय दिया जिससे प्रार्थी पुनः सेवा में उपस्थित हुआ एवं सन्तोषप्रद कार्य किया। प्रार्थी के पुनः गम्भीर रूप से बीमार हो जाने से दिनांक 8-9-97 को आरोप पत्र देकर मनमानी जांच कर प्रार्थी की पत्नी श्रीमती कमला के प्रार्थना पत्र को नजर अन्दाज कर आदेश दिनांक 8-4-99 से विपक्षी ने प्रार्थी को सेवा पृथक करने के दण्ड से दण्डित कर दिया। इस पर प्रार्थी ने पुनः यह प्रकरण केन्द्र सरकार की अधिसूचना के आधार पर इस अधिकरण में दर्ज करवाया है। प्रार्थी ने इस जांच कार्यवाही को मनमानी एवं प्राकृतिक न्याय के सिद्धान्तों के विपरीत माना, प्रार्थी द्वारा प्रस्तुत रोग प्रमाण पत्र अवकाश प्रार्थना पत्र आदि रेकार्ड पर नहीं लेना व प्रार्थी श्रमिक की पत्नी श्रीमती कमला की अपील पर सुनवाई न करने का आरोप विपक्षी पर लगाया एवं प्रार्थी ने सेवा में निरन्तरता सहित समस्त लाभ सहित सेवा में बहाल करने की क्लेम में प्रार्थना की है।

विपक्षी ने अपने जवाब में यह अंकित किया है कि प्रार्थी श्रमिक उनके संस्थान में दिनांक 9-7-75 को प्रथम बार मजदूर के पद पर नियुक्त हुआ था। विपक्षी को दिनांक 7-2-99 को हैल्पर के पद पर पदोन्नति दी गई थी। विपक्षी ने यह भी कथन किया है कि प्रार्थी ड्यूटी से अनाधिकृत रूप से अनुपस्थित रहने का आदी था। वर्ष 1979 में ड्यूटी से 213 दिन अनधिकृत अनुपस्थित रहा था। विपक्षी ने प्रार्थी को 23-7-80 को सेवा से पृथक किया था तथा प्रार्थी के पुनः निवेदन करने पर उसे दिनांक 16-2-81 को अस्थायी मजदूर की श्रेणी I में पुनः नियुक्ति दी गई तथा प्रार्थी के अनधिकृत अनुपस्थित रहने के कारण दिनांक को नहीं दी गई। प्रार्थी वास्तव में बिमार था जिसकी लिखित सूचना देने के उपरान्त भी विपक्षी ने उसे “विलफुल एबसेन्ट फ्रॉम ड्यूटी विदाउट कॉज एण्ड नोटिस” मानकर दण्डादेश दिया है, प्रार्थी ने अपने क्लेम में कथन किया है कि प्रार्थी का उक्त आदेश दिनांक 8-4-99 अवैध एवं शून्य है। प्रार्थी ने सेवा की निरन्तरता के साथ सभी लाभों सहित सेवा में रखे जाने की प्रार्थना की है।

विपक्षी ने अपने जवाब में यह अंकित किया है कि प्रार्थी श्रमिक उनके संस्थान में दिनांक 9-7-75 को प्रथम बार मजदूर के पद पर नियुक्त हुआ था। प्रार्थी ने दिनांक 17-7-75 को कार्यभार सम्भाला था। प्रार्थी श्रमिक को दिनांक 7-2-99 को हैल्पर के पद पर पदोन्नति दी गई थी। विपक्षी ने प्रार्थी को ड्यूटी से अनधिकृत अनुपस्थित रहने का आदी माना व 213 दिन अनधिकृत अनुपस्थित माना। विपक्षी ने अपने जवाब में यह माना है कि प्रार्थी को दिनांक 23-7-80 को सेवा से पृथक कर दिया था। प्रार्थी के पुनः निवेदन करने पर दिनांक 16-2-81 को पुनः नियुक्ति दी गई थी। प्रार्थी को ड्यूटी से अनधिकृत अनुपस्थित रहने से दिनांक 30-6-82 को पुनः सेवा से पृथक कर दिया गया था। विपक्षी ने प्रार्थी को अनधिकृत अनुपस्थिति के लिये समय-समय पर दिये गये दण्ड का विवरण दिया वह इस प्रकार है—वर्ष 1992 में 25 दिन, वर्ष 1993 में 54 दिन, वर्ष 1994 में 200 दिन, वर्ष 1995 में 137 दिन, व वर्ष 1996 में 218 दिन अनुपस्थित रहने के लिये 1992 में कोई दण्ड नहीं दिया, वर्ष 1993 में प्रार्थी को सेन्सर किया गया व वर्ष 1994 में प्रार्थी को दिन के निलम्बन का दण्ड दिया गया व वर्ष 1995 में अनधिकृत अनुपस्थिति के लिये प्रार्थी को असंचयी प्रभाव से एक वार्षिक वेतन वृद्धि रोकने का दण्ड दिया गया व वर्ष 1996 में 218 दिन के अनधिकृत अनुपस्थिति के लिये प्रार्थी को संचयी प्रभाव से एक वार्षिक वेतन वृद्धि रोकने का दण्ड दिया गया था। विपक्षी ने जवाब में कथन किया है कि प्रार्थी वर्ष 1997 में दिनांक 13-3-97 से ड्यूटी से अनधिकृत अनुपस्थित रहने से पत्र क्रमांकन जेड एस/कार्मिक/स का/ 97/588 दिनांक 18-7-97 रजिस्टर्ड ए डी से भेजा गया था, इसमें लिखा गया था कि प्रार्थी अगर बिमार है तो अपनी बिमारी के चिकित्सा प्रमाण पत्र सहित प्रभारी चिकित्सालय देवारी में स्वास्थ्य परीक्षण हेतु पत्र प्राप्ति के 48 घंटे के भीतर उपस्थित रहे। इस पर भी प्रार्थी उपस्थित नहीं हुआ और न ही पत्र का जवाब दिया तत्पश्चात् प्रार्थी को सक्षम अधिकारी द्वारा रजिस्टर्ड डाक से आरोप पत्र क्रमांक जि. स्मे./कार्मिक/97/1167 दिनांक 5/8-9-97 ड्यूटी से अनधिकृत अनुपस्थित रहने के लिये जारी किया गया था। इसी पत्र के तहत श्री डी. के. नन्दी वरिष्ठ प्रबन्धक सुरक्षा को जांच अधिकारी नियुक्त किया गया तथा प्रार्थी को मय साक्ष्य व दस्तावेजों के साथ जांच अधिकारी के समक्ष दिनांक 25-9-97 को उपस्थित होने का आदेश दिया गया था। इस आरोप पत्र को स्थानीय दैनिक "प्रातःकाल" में दिनांक 19-9-97 को भी प्रकाशित करवाया था। प्रार्थी दिनांक 25-9-97 को जांच कार्यवाही के लिये जांच अधिकारी के समक्ष उपस्थित हुआ था तथा उसने जांच अधिकारी से निवेदन किया कि उसका स्वास्थ्य ठीक नहीं होने से जांच कार्यवाही दिनांक 13-10-97 को रखा जावे। जांच अधिकारी ने प्रार्थी के इस निवेदन को स्वीकार जाँच कार्यवाही दिनांक 13-10-97 के लिये नियत की थी। किन्तु प्रार्थी दिनांक 13-10-97 को जांच कार्यवाही में उपस्थित नहीं हुआ था। इसके पश्चात् जाँच अधिकारी ने अपने पत्र क्रमांक जि. स्मे./वप्र/(सु) जांच/98/221 दिनांक 10-5-98 से सूचित किया। जांच अधिकारी ने प्रार्थी को समय देते हुए पत्र क्रमांक (जि स्मे/वप्र/(सु) जांच/02/98/669 दिनांक 25-5-98 से प्रार्थी को दिनांक 30-6-98 को जांच कार्यवाही में उपस्थित रहने का आदेश दिया था। प्रार्थी दिनांक 30-6-98 को कार्यवाही में उपस्थित नहीं हुआ था। प्रार्थी को अनुपस्थिति से जांच कार्यवाही एकतरफा सम्पन्न कर दी गई। जाँच अधिकारी ने अपनी रिपोर्ट (प्रतिवेदन)

सक्षम अधिकारी को प्रस्तुत कर दी थी। जांच प्रतिवेदन में प्रार्थी के ऊपर लगाये गये आरोपों को पूर्णतया साबित पाया। इसके पश्चात् सक्षम अधिकारी ने अपने ज्ञापन में दिनांक 24-2-99 को प्रार्थी को 72 घंटे में यह स्पष्टीकरण प्रस्तुत करने को कहा कि कदाचार की सघनता एवं पूर्व सेवाअभिलेख भली भाँति अवलोकन करने के पश्चात्, क्यों नहीं प्रार्थी को कम्पनी से सेवा मुक्त कर दिया जावे। प्रार्थी ने अपने पत्र दिनांक 1-3-99 द्वारा ज्ञापन का स्पष्टीकरण प्रस्तुत किया जिसे सक्षम अधिकारी ने संतोषजनक नहीं माना तथा अपने आदेश क्रमांक जि स्मे/कार्मिक/99/59 दिनांक 8-4-99 द्वारा प्रार्थी की सेवा समाप्त कर दी गई जो विपक्षी के अनुसार उचित एवं वैध है। विपक्षी का कथन है कि प्रार्थी ने समय-समय पर जांच कार्यवाही में उपस्थित नहीं होकर अलग-अलग बहाने दिये। प्रार्थी ने अपने प्रार्थना पत्र दिनांक 5-5-97 द्वारा अपनी माता को अस्वस्थ बताया था। इसके बाद अपने पत्र दिनांक 10-7-97 द्वारा अपनी पुत्री को अस्वस्थ होना बताया था पत्र दिनांक 1-7-98 द्वारा उस एक खतरनाक भूतप्रेत लग जाने से विभिन्न देवरो भोपो, ओझा एवं तांत्रिकगणों से ईलाज करवाना बताया था। विपक्षी ने अपनी जांच कार्यवाही को पूर्णतया प्राकृतिक न्याय के सुनिर्धारित सिद्धान्तों के अनुसार बताया है एवं प्रार्थी की सेवामुक्ति आदेश को उचित ठहराया है। विपक्षी ने प्रार्थी को किसी राहत का अधिकारी नहीं माना है।

हमें हस्तगत प्रकरण में यह अभिनिर्णीत करना है कि क्या संस्थान द्वारा प्रार्थी आरोपित को सेवा पृथक के दण्ड से दण्डित कि जाना आरोपित द्वारा किये गये दुराचरण के समतुल्य है या नहीं? यदि समतुल्य नहीं है तो प्रार्थी क्या राहत प्राप्त करने का अधिकारी है।

प्रार्थी को दिनांक 5/8-9-97 को रजिस्टर्ड डाक से आरोप पत्र क्रमांक जि. स्मे./कार्मिक/97/1167 ड्यूटी से अनुपस्थित रहने के लिये इकाई के प्रमाणित स्थायी आदेशों को धारा 19(24) एवं (30) के तहत कदाचार है, जारी किया जो विस्तृत रूप से निम्नानुसार है:—

आप दिनांक 13-3-97 से अपनी ड्यूटी से अनाधिकृत रूप से अनुपस्थित है। आपको कार्यालय के रजिस्टर्ड ए डी पत्र क्रमांक जेड एस/कार्मिक/सं. का/97/588 दिनांक 8-9-77 द्वारा पत्र प्राप्ति के 48 घंटे में ड्यूटी पर उपस्थित होने हेतु सूचित किया गया था, परन्तु इसके बावजूद आप ड्यूटी पर उपस्थित नहीं हुए।

आपका उपयुक्त कृत्य इकाई के प्रमाणित स्थाई आदेशों को संख्या 19/27(24) एवं 19(30) के अन्तर्गत एक कदाचार है। आपके विरुद्ध अनाधिकृत अनुपस्थित के कदाचार को जांच का निर्णय लिया गया है एवं श्री डी. के. नन्दी वरिष्ठ प्रबन्धक (सुरक्षा) को जांच हेतु अधिकारी नियुक्त किया जाता है।

आपको सलाह दी जाती है कि आप दिनांक 25-9-97 को जांच अधिकारी के समक्ष जाँच में भाग लेने हेतु मय साक्ष्य एवं दस्तावेजों सहित उपस्थित होंगे। अन्यथा जांच अधिकारी द्वारा नियमानुसार जांच कार्यवाही सम्पन्न की जावेगी।

आरोपित प्रार्थी के विरुद्ध लगाये गये आरोप का प्रकाशन विपक्षी द्वारा प्रातःकाल समाचार पत्र में दिनांक 19-9-97 को कराया गया। प्रार्थी श्रमिक नियत दिनांक 25-9-97 को जांच अधिकारी के समक्ष उपस्थित हुआ। प्रार्थी के उपस्थित होकर बीमार होने के अनुरोध पर जांच कार्यवाही दिनांक 13-10-97 को रखी गई। परन्तु आरोपित श्रमिक

के अनुपस्थित होने पर 12-5-98 को रखी गई जिसकी जांच कार्यवाही अधिकारी द्वारा रजिस्टर्ड डाक से सूचना आरोपित श्रमिक को भेजी गई जिसका जवाब आरोपित द्वारा 10-5-98 के प्रपत्र द्वारा दिया गया, अतः जांच 30-6-98 को रखी गयी। 30-6-98 को प्रार्थी के उपस्थित नहीं होने पर विपक्षी के द्वारा आपत्ति करने पर जांच अधिकारी ने आरोपित प्रार्थी के विरुद्ध एक पक्षीय कार्यवाही कर प्रबंधन की ओर से प्रबंधन प्रतिनिधि के बयान लेकर जांच कार्यवाही सम्पन्न की है। न्यायालय ने आदेश दिनांक 29-9-05 को जांच अधिकारी द्वारा की गई जांच को उचित एवं वैध पाया है।

जांच अधिकारी के समक्ष संस्थान प्रतिनिधि श्री पी. के. चतुर्वेदी ने बयान दिया है कि ख्यालीलाल हरिजन दिनांक 13-3-97 से अपनी इयूटी से अनाधिकृत रूप से अनुपस्थित चल रहे हैं। इनको पत्र क्रमांक जि. स्मे. /कार्मिक स.का. /97/588 दिनांक 18-7-97 द्वारा रजिस्टर्ड ए.डी. पत्र जारी कर सूचित किया गया है कि पत्र प्राप्ति के 48 घंटे में इयूटी पर उपस्थित हों और यदि वे बीमार हैं तो बीमारी संबंधी प्रमाण पत्र सहित प्रभारी चिकित्सालय देवारी में, स्वास्थ्य वे परीक्षण हेतु उपस्थित हों, परन्तु श्री ख्यालीलाल इयूटी पर उपस्थित नहीं हुए। इनको जारी पत्र की प्रति प्रदर्श-1 प्राप्ति रसीद प्रदर्श एम-2 प्रस्तुत है। श्री ख्यालीलाल के इयूटी पर उपस्थित होने पर इनको एक आरोप पत्र क्रमांक 1167 दिनांक 5/8-9-97 का प्रकाशन प्रातःकाल दैनिक समाचार पत्र दिनांक 19-9-97 में किया गया जिसकी प्रतिलिपि प्रदर्श- एम 3 प्रस्तुत है।

श्री ख्यालीलाल कम्पनी नियमानुसार उनको देय अधिकृत अवकाशों का उपभोग करके ही अधिकृत रूप से अवकाश पर रह सकते थे, परन्तु ख्यालीलाल ने वर्ष 1997 के दौरान ऐसा नहीं किया। इनके द्वारा देय एस.एल. अवकाश का उपभोग किया परन्तु सी.एल. एवं ओ.पी.एच. अवकाशों का उपभोग भी नहीं किया एवं दिनांक 13-3-97 से लगातार इयूटी से अनुपस्थित हो गए जो उनकी अनाधिकृत अनुपस्थिति है एवं इकाई के प्रमाणित स्थायी आदेश की संख्या 19 (24) एवं 19 (30) के अन्तर्गत कदाचार है। साक्षी के अनुसार 1997 से प्रार्थी की पी.एल. बकाया नहीं थी, सी.एल. अवकाश 8 बकाया है व सी.एल. 10 दिन की मिलती है व 10 का उपभोग कर लिया गया व ओ.पी.एच. अवकाश वर्ष में दो मिलते हैं। दोनों अवकाशों का उपभोग प्रार्थी आरोपित ने नहीं किया है। वर्ष 1998 में पी.एल. कोई बकाया नहीं है। एस.एल. 10 मिलती है व 10 का उपभोग नहीं किया गया है एस.एल. 8 मिलती है व 8 का उपभोग कर लिया गया है। इसी प्रकार प्रार्थी के द्वारा दो ओ.पी.एच. अवकाश वर्ष 98 में उपभोग करना नहीं दर्शाया गया है। प्रार्थी ने वर्ष 1996 एवं 1997 के दौरान 240 दिन की भौतिक उपस्थिति पूर्ण नहीं की। अतः वर्ष 1997 व 1998 में पी.एल. अवकाश सुविधा देय नहीं हुई। कम्पनी द्वारा कामगारों को एक वर्ष में 28 पी.एल. एवं 10 एस.एल. अवकाश देय है तथा कामगार 22 पी.एल. एवं 120 एस.एल. संकलन का अवकाश खाते में अवकाश शेष रखे ताकि आवश्यकतानुसार अवकाशों का उपभोग किया जा सके तथा कामगार इयूटी से अनाधिकृत रूप से अनुपस्थित नहीं रहे। परन्तु आरोपित कर्मचारी अर्जित अवकाश अर्जित भी नहीं कर पाये, क्योंकि इनकी अनुपस्थिति के 240 दिन भौतिक उपस्थिति पूर्ण नहीं हुई। इससे यह स्पष्ट है कि श्री ख्यालीलाल इयूटी से अनाधिकृत अनुपस्थित रहने के आदी हैं एवं इनके विरुद्ध लगाये अनाधिकृत अनुपस्थिति के आरोप पूर्णतया प्रमाणित होते हैं।

प्रार्थी के द्वारा प्रस्तुत क्लेम प्रार्थना-पत्र विपक्षी संस्थान प्रतिनिधि के बयान से यह तथ्य निर्विवादित रहता है कि प्रार्थी ख्यालीलाल दिनांक 13-3-1997 से अपनी इयूटी से अनुपस्थिति है। क्लेम प्रार्थना पत्र में भी आरोपित प्रार्थी ने कथन किया है कि प्रार्थी दिनांक 13-3-1997 से लगातार बीमार चला आ रहा था जिस बाबत प्रार्थी समय-समय पर अवकाश प्रार्थना पत्र मय रोग प्रमाण पत्र प्रस्तुत करता रहा। पत्रावली पर प्रार्थी के द्वारा जो प्रार्थना पत्र प्रस्तुत किये गये हैं उनका हमारे द्वारा अवलोकन किया गया। विपक्षी संस्थान द्वारा प्रार्थी को दिये सेवा पृथक आदेश दिनांक 8-4-99 में भी इन पत्रों का उल्लेख किया गया है। इसलिये हमने संस्थान की मूल व्यक्तिगत पंजिका व पत्राचार पत्रावली का भी संस्थान से मंगा कर उसका भी अवलोकन किया। पत्राचार पत्रावली के अवलोकन से यह प्रकट होता है कि आरोपित ख्यालीलाल ने एक पत्र दिनांक 17-3-97 को लिखा जो यू.पी.सी. से 21-3-97 को भेजा है जिसमें श्रमिक ने यह निवेदन किया है कि "मेरी माताजी का एक्सीडेंट दिनांक 13-3-97 को हो गया है इस कारण मैं नौकरी पर उपस्थित नहीं हो सकूंगा। अतः सूचना रिपोर्ट सेवा में पेश कर रहा हूँ।" इस पत्र में श्रमिक ने यह नहीं लिखा है कि वह किस प्रकार का अवकाश चाहता है और कितने दिन का अवकाश चाहता है। प्रार्थी की पत्राचार पत्रावली में प्रार्थी के द्वारा विपक्षी को प्रेषित पंजीकृत पत्र प्रेषित कर उप महाप्रबंधक जिंक स्मेलटर देवारी से निवेदन किया है कि दिनांक 13-3-97 को मेरी मां के दुर्घटनाग्रस्त हो जाने के कारण मैं सेवा कार्य पर उपस्थित नहीं हो सका। मैंने दिनांक 13-3-97 से दिनांक 18-3-97 तक सी.एल. अवकाश का प्रार्थना पत्र भी आपकी सेवा में भेजा था, मैंने पुनः दिनांक 21-3-97 को भी आपकी सेवा में पत्र भेज कर निवेदन किया था अभी तक मेरी मां का इलाज चल रहा है सो मैं सेवा पर उपस्थित नहीं हो सकूंगा। अतः श्रीमान् से निवेदन है कि मेरे विरुद्ध कोई कार्यवाही नहीं की जाकर मुझे दिनांक 13 मार्च से 13 अप्रैल, 97 तक का अवकाश प्रदान करावें। इस पत्र पर कोई दिनांक अंकित नहीं है, किन्तु विपक्षी को यह पत्र दिनांक 4-4-97 को प्राप्त होना पृष्ठांकित है व प्राप्ति स्वीकृति रसीद पर 3-4-94 अंकित है। तत्पश्चात् प्रार्थी ने एक पंजीयन पत्र दिनांक 5-5-97 को वरिष्ठ प्रबन्धक (कार्मिक एवं प्रशासन) को छुट्टी बढ़ाने हेतु प्रेषित कर निवेदन किया है—कि "पूर्व में मैं कार्यालय की दिनांक 21-3-97 को यू.पी.सी. द्वारा सूचना भेजी थी कि मेरी माताजी दुर्घटनाग्रस्त होने की वजह से मेरी छुट्टी बढ़ाई जावे, लेकिन अभी तक मेरी माताजी की हालत में सुधार नहीं हो पाया है और मेरे परिवार में मेरे बाल बच्चों की तबियत भी ठीक नहीं है, उनकी दौड़ धूप में लगा हुआ हूँ। मेरी विभाग अधिकारी सा. से निवेदन है कि मुझे दिनांक 13-5-97 तक अवकाश बढ़ाया जावे जिससे मैं मेरी माताजी व बाल बच्चों को देख सकूँ तथा श्रमिक ख्यालीलाल ने निवेदन किया है कि वह दिनांक 14-5-97 को इयूटी पर उपस्थित हो जायेगा।" तत्पश्चात् प्रार्थी ने विपक्षी संस्थान के वरिष्ठ प्रबन्धक को दिनांक 10-7-97 को रजिस्टर्ड डाक से पत्र भेज कर सूचित किया कि— "मैंने पूर्व में भी छुट्टी सम्बन्ध में प्रार्थनापत्र दिया था कि मैं दिनांक 14-5-97 को अपनी इयूटी पर उपस्थित हो जाऊंगा लेकिन मेरी लड़की का मेज गले का आपरेशन होने के कारण उसे सरस्वती होस्पिटल एम.आर.आई. में भर्ती कराया गया है सो उसकी देखभाल में लगा रहा और वापस दुबारा ऑपरेशन करने को कहा है। इस वजह से मैं बहुत परेशान हूँ और विभाग के पत्र

द्वारा 14-5-97 को कार्यालय में उपस्थिति के लिये वार्तालाप हेतु बुलाया है सो मैं नहीं पहुँच सका, उसका ब्यौरा मैं दे चुका हूँ एवं वापस 2-6-97 को कार्यालय में उपस्थिति बाबत बुलाया गया सो मैं 2-6-97 को विभाग में हाजिर हुआ था, विभाग के अधिकारी अवकाश पर थे तो मैं कार्यालय में उपस्थिति की वेरीफाई करा कर हस्ताक्षर लाया था एवं उसके बाद में मेरी भी तबीयत खराब हो गई थी सो बीमारी से मैं मुक्त हो गया हूँ सो आपसे प्रार्थना है कि मैं दिनांक 16-7-97 को सोमवार तक कार्यालय में उपस्थित होकर मैं अपनी दैनिक ड्यूटी करूँगा। तत्पश्चात् विपक्षी संस्थान ने दिनांक 18-7-97 को आरोपित प्रार्थी को रजिस्टर्ड ए.डी. पत्र प्रेषित कर सूचित किया कि आप दिनांक 13-3-97 से बिना किसी तरह की सूचना दिये अपनी ड्यूटी से अनाधिकृत रूप से अनुपस्थित हैं। अतः आपको इस पत्र द्वारा सूचित किया जाता है कि आप पत्र की प्राप्ति के 48 घंटे की अवधि में ड्यूटी पर उपस्थित हो जावें यदि आप ड्यूटी पर उपस्थित नहीं होंगे तो इस विषय में आपके विरुद्ध स्थाई आदेशों के अन्तर्गत कार्यवाही की जावेगी तथा विशेष रूप से इस पत्र में यह उल्लेखित किया गया है कि अगर आप बीमार हैं तो बीमारी से संबंधित चिकित्सा प्रमाणपत्र सहित प्रभारी चिकित्सालय देवारी में स्वास्थ्य परीक्षण हेतु उपस्थित रहें। इस पत्र को जांच पत्रावली में प्रदर्श एम-1 से संस्थान प्रतिनिधि ने अपने बयानों में प्रदर्शित कराया है। फिर भी प्रार्थी न तो ड्यूटी पर उपस्थित हुआ न ही चिकित्सा प्रमाणपत्र सहित प्रभारी, चिकित्सालय देवारी में उपस्थित हुआ तब प्रार्थी को 8-9-97 को विपक्षी संस्थान द्वारा आरोप पत्र दिया गया है। प्रकरण पत्रावली पर प्रार्थी प्रतिनिधि द्वारा 13-3-97 के पूर्व प्रार्थी के बीमारी बाबत कुछ अवधि के प्रमाणपत्र प्रस्तुत किये हैं जिसमें उसके 13-12-96 को ड्यूटी जोईन करने के लिये फिट होने के निर्देश दिये गये हैं। प्रार्थी की ओर से आयुर्वेद विभाग राजस्थान का रोग प्रमाण पत्र श्रमिक ख्यालीलाल का प्रस्तुत किया है जिसमें उसे 30-3-97 से ग्रंथ व सोवरन व्याधि रोग से पीड़ित होने से 287 दिन स्वास्थ्य लाभ हेतु विश्राम की आवश्यकता होना कथन किया है, जबकि प्रार्थी के पत्राचार दिनांक 17-3-97 जो दिनांक 21-3-97 को यू.पी.सी. से प्रेषित किया व 2-6-97 तक की अवधि में स्वयं का बीमार होना जाहिर नहीं किया है कर स्वयं की माता का 13-3-97 को दुर्घटनाग्रस्त होने व तत्पश्चात् पुत्री के गले का ऑपरेशन होने के कारण अवकाश पर रहना कथन किया है, जिससे यह रोग प्रमाणपत्र की प्रति संदिग्ध प्रतीत होती है व विश्वसनीय नहीं है। चूँकि प्रार्थी ने दिनांक 10-7-97 के पत्र द्वारा सूचित किया है कि वह 2-6-97 के पश्चात् बीमार हो गया था, किन्तु अब वह स्वस्थ है व 16-7-97 को सेवा में उपस्थित हो जावेगा। अतः ये प्रमाणपत्र प्रार्थी के बाद की सोच है व झूठा भी है। अतः प्रार्थी का प्रार्थना पत्र में कथन है कि वह 13-3-97 से लगातार बीमार होने की वजह से सेवा स्थल पर उपस्थित नहीं हो सका था, गलत साबित होता है।

जहां तक प्रार्थी के अनाधिकृत अनुपस्थिति का प्रश्न है, इस सम्बन्ध में प्रार्थी द्वारा सर्वप्रथम पत्र में अपनी माताजी का एक्सीडेंट दिनांक 13-3-97 को हो जाने के कारण नौकरी पर उपस्थित नहीं होने बाबत लिखा है वो पत्र दिनांक 17-3-97 को लिखा गया है तथा उसके साथ जो लिफाफा लगा है उस पर डाकघर की मोहर 21-3-97 की स्पष्ट अंकित है तथा यू.पी.सी. की रसीद पेश की गई है वह भी

21-3-97 की है। इस प्रकार वास्तव में यह पत्र 21-3-97 को डाक में डाला गया तथा यह पत्र संस्थान में 25-3-97 को प्राप्त हुआ है। इस पत्र के संदर्भ में यदि हिन्दुस्तान जिनक लिमिटेड के प्रमाणित स्थायी आदेश जो 20 अक्टूबर, 1972 से प्रभावी है जिनमें आकस्मिक अवकाश के सम्बन्ध में जो आदेश II (ख)(I) में अंकित है वह इस प्रकार है कि - "प्रत्येक कर्मकार पूरे कलेण्डर वर्ष में यथानुपातिक आधार पर 7 दिन की आकस्मिक छुट्टी का हकदार होगा।" (2) में यह अंकित है कि "आकस्मिक छुट्टी केवल आपातक और अप्रत्याशित परिस्थितियों में ही ली जा सकती है" साथ ही ख II (6) को इस प्रकार परिभाषित किया है-

"जहां तक संभव हो पूर्व अनुमति लेकर ही आकस्मिक अवकाश छुट्टी ली जानी चाहिये। यदि पूर्व अनुमति प्राप्त नहीं की गई हो तो आकस्मिक छुट्टी के लिये हर बार बाद में लिखित आवेदन पत्र दिया जाना चाहिये। एक ही साथ अधिकतम 6 दिन की आकस्मिक छुट्टी ली जा सकती है, परन्तु जैसा पहले बताया गया है कि बिना सूचना के दो दिन से अधिक की आकस्मिक छुट्टी नहीं ली जा सकती है। दो दिन से अधिक आकस्मिक छुट्टी औपचारिक आवेदन पत्र तथा पूर्व स्वीकृति के बिना नहीं दी जायेगी। इसका आशय यह है कि बिना सूचना जिस कर्मकार ने दो दिन की आकस्मिक छुट्टी ली हो उसे पहले ड्यूटी पर आना चाहिये और फिर आगे की छुट्टी के लिये आवेदन देकर छुट्टी लेनी चाहिए।"

इस प्रकार उक्त स्थाई आदेश का अवलोकन करें तो न तो प्रार्थी ने पूर्व अनुमति ली है, न ही पहले बताया है। लेकिन उक्त आदेश में यह भी है कि यदि वह बिना सूचना के दो दिन से अधिक की आकस्मिक छुट्टी नहीं ली जा सकती है तथा दो दिन से अधिक आकस्मिक छुट्टी औपचारिक आवेदन पत्र तथा पूर्व स्वीकृति के बिना नहीं दी जावेगी। इस प्रकार यदि प्रार्थी की माताजी का दिनांक 13-3-97 को एक्सीडेंट भी हो गया था तो प्रार्थी दिनांक 13 व 14 मार्च 97 को अवकाश में रह कर दिनांक 5 मार्च, 97 को उसे आवश्यक रूप से उपस्थित होना था, लेकिन प्रार्थी दिनांक 15-3-97 को उपस्थित नहीं हुआ और यहां तक कि उसने जो प्रार्थना पत्र ही लिखा वह भी 17-3-97 को यानि 4 दिन पश्चात् तो लिखा है व यू.पी.सी. से दिनांक 21-3-97 को भेजा यानि 8 दिन पश्चात् उसने प्रार्थना पत्र भेजा है जो संस्थान को 25-3-97 को प्राप्त हुआ है यानि संस्थान को उक्त सूचना करीब 12 दिन बाद प्राप्त हुई है जो कि हर सूरत में उक्त स्थाई आदेशों के बिल्कुल विपरीत है। यदि यह भी माने कि उसने यह पत्र 17-3-97 को भी लिखा है तो भी 4 दिन बाद लिखा जबकि यह भी आदेश के विपरीत है, ऐसा प्रतीत होता है कि उसने यह पत्र 21-3-97 को लिखा है और 17-3-97 कि दिनांक उस पर अंकित कर दी है जबकि उसके द्वारा जो यू.पी.सी. कराई गई है उस पर दिनांक 21-3-97 स्पष्ट है। दूसरी ओर यदि वह बिना पूर्व अनुमति के या बिना पूर्व अवकाश स्वीकृत कराये अवकाश पर भी रहा और उसे आगे अवकाश भी चाहिये था तो उसे 15-3-97 को उपस्थित होकर आगे के अवकाश के लिये आवेदन करना चाहिये था, ऐसा भी आरोपित ने नहीं किया है। इसके अलावा उसने जो यह पत्र दिनांक 17-3-97 को लिखा है उसमें किसी प्रकार के अवकाश का हवाला नहीं दिया है बल्कि यह लिखा है कि मैं नौकरी पर उपस्थित नहीं हो सकूँगा अतः सूचना रिपोर्ट सेवा में पेश कर रहा हूँ। इस प्रकार यह अवकाश आवेदन पत्र भी नहीं है।

इसके पश्चात् प्रार्थी द्वारा एक रजिस्टर्ड पत्र उप महाप्रबन्ध जिक स्मेल्टर देबारी को प्रेषित किया है, हालांकि इस पत्र पर कोई दिनांक अंकित नहीं है, लेकिन संस्थान को यह पत्र 4-4-97 को प्राप्त हुआ है जिसमें प्रार्थी ने यह लिखा है कि "मैंने दिनांक 13-3-97 से 18-3-97 तक सी.एल. अवकाश का प्रार्थना पत्र भी आपकी सेवा में भेजा था, मैंने पुनः दिनांक 21-3-97 को भी आपकी सेवा में पत्र भेज कर निवेदन किया था अभी तक मेरी मां का इलाज चल रहा है, तो मैं सेवा कार्य पर उपस्थित नहीं हो सकूंगा।"

दिनांक 21-3-97 का कोई पत्र पेश नहीं हुआ है। दूसरा प्रार्थी ने यह अंकित किया है कि मैंने दिनांक 13-3-97 से 18-3-97 तक सी.एल. अवकाश का प्रार्थना पत्र आपकी सेवा में प्रेषित किया था, लेकिन जो प्रथम पत्र जो 17-3-97 का लिखा हुआ है उसमें किसी प्रकार के अवकाश का हवाला नहीं है और न ही 13-3-97 से 18-3-97 तक सी.एल. बाबत विवरण है। यदि एक क्षण के लिये यह भी मान लें कि उसने 13-3-97 से 18-3-97 तक सी. एल. के लिये आवेदन किया था तो बिना पूर्व अवकाश स्वीकृत कराये वह 6 दिन का आकस्मिक अवकाश कैसे ले सकता था जबकि उक्त नियम के अनुसार यदि वह बिना सूचना के अवकाश पर रहता है तो दो दिन के बाद उसे पहले तो झूटी पर आना चाहिये था उसके बाद ही वह अवकाश बढ़ा सकता था। इस प्रकार उसने हर रूप में उक्त स्थाई आदेशों के विरुद्ध ही कार्य किया है।

साथ ही यह पत्र जो विभाग जो 4-4-97 को प्राप्त हुआ है उसमें ख्याली लाल ने दिनांक 13 मार्च से 13 अप्रैल, 97 तक का अवकाश प्रदान कराने बाबत लिखा है। इसमें भी वह अंकित नहीं किया है कि वह किस प्रकार का अवकाश चाहता है। यदि ये विशेषाधिकारी छुट्टी माने तो इसके सम्बन्ध में स्थाई आदेश के आदेश 11 (क)-(I) (II) (II) में यह अंकित है कि तीन दिन की छुट्टी के लिये 3 कार्य दिवस का नोटिस तथा स्वीकृति आवश्यक है, 6 दिन की छुट्टी के लिये कम से कम एक सप्ताह का नोटिस और उसकी पूर्व स्वीकृति जरूरी है, 6 दिन से अधिक की छुट्टी के वास्ते कम से कम 15 दिन का नोटिस और उसकी पूर्व मंजूरी अपेक्षित है। लेकिन जब प्रार्थी ने 13 मार्च से 13 अप्रैल 97 तक का अवकाश चाहा है तो प्रथम तो उसने इस बाबत पूर्व मंजूरी प्राप्त नहीं की है तथा दूसरा न ही उसने उक्त प्रकार से निर्धारित अवधि 15 दिन का नोटिस ही दिया है, यह तो उल्टा 13 मार्च से शुरू होने वाले अवकाश के लिये करीब 18-20 दिन बाद अवकाश हेतु आवेदन कर रखा है। इस प्रकार यह अवकाश हेतु आवेदन न तो स्पष्ट है, न ही स्थाई आदेशों के अनुकूल है इससे भी माना जायेगा कि आरोपित अनाधिकृत रूप से अनुपस्थित चल रहा है। इसी क्रम में इसके अवकाश खाते के शेष (बेलेन्स) को देखें तो इस सम्बन्ध में पी.के. चतुर्वेदी ने जांच के दौरान अपने बयानों में यह बताया है कि श्री ख्यालीलाल ने वर्ष 1996 एवं 1997 के दौरान 240 दिन की भौतिक उपस्थिति पूर्ण नहीं की, अतः उनको वर्ष 1997-98 में सी.एल. अवकाश सुविधा देय नहीं हुई। साथ ही जो दिनांक 8-4-99 को कम्पनी द्वारा आदेश जारी किया है जिसमें आरोपित की वर्ष 1993 में 54 दिन, 1994 में 200 दिन, 1995 में 137 दिन, व 1996 में 218 दिन की अनुपस्थिति बताई है। क्षण भर के लिये बहस हेतु यह भी माना जावे कि प्रार्थी इन अवकाशों को प्राप्त करने का

अधिकारी है तो भी प्रार्थी आरोपित ख्यालीलाल को नियमानुसार अवकाश के लिये प्रार्थना पत्र लगा कर ही अवकाश प्राप्त कर सकता है, जिसका प्रार्थी ने पालन नहीं किया है। सी.एल. अवकाश संचित नहीं होते हैं। बिना वेतन के अवकाश के लिये दो दिन से अधिक बिना वेतन की छुट्टी लेने के लिये विशेषाधिकार/अर्जित छुट्टी के समान पूर्व स्वीकृति आवश्यक है, जो कि प्रार्थी ने नहीं ली है। अतः प्रार्थी दिनांक 13-3-97 से 8-4-99 तक अनाधिकृत रूप से अनुपस्थित रहा है तथा इससे पूर्व भी अनुपस्थित रहा है। इस प्रकार प्रार्थी के विरुद्ध प्रमाणित स्थायी आदेशों की धारा 19 (24) व (30) का दुराचरण सिद्ध होता है अतः जांच अधिकारी द्वारा दिया गया निष्कर्ष उचित एवं वैध है।

जांच अधिकारी ने दिनांक 25-5-98 को जांच प्रतिवेदन की उप महाप्रबन्धक जिक स्मेलर देबारी (संस्थान) को प्रेषित किया है, तत्पश्चात् दिनांक 24-2-99 को प्रार्थी को ज्ञापन विपक्षी संस्थान द्वारा भेजा गया जिसका जबाब दिनांक 1-3-99 को प्रार्थी की पत्नी श्रीमती कमला की ओर से प्रस्तुत किया गया है। उप महाप्रबन्धक द्वारा जांच प्रतिवेदन, ज्ञापन के जबाब व पत्राचार पत्रावली व अन्य दस्तावेजों के अवलोकन के पश्चात् तथा जांच प्रतिवेदन से संतुष्ट होकर प्रार्थी के पूर्व आचरण पर विचार करने के पश्चात् प्रार्थी को सेवा पृथक किये जाने का आदेश दिनांक 8-4-99 को लिया गया, यह आदेश प्रार्थी के द्वारा किये गये दुराचरण के समतुल्य है। जिसमें हम किसी प्रकार के हस्तक्षेप को औचित्य नहीं पाते हैं।

हस्तागत प्रकरण में भारत सरकार के श्रम मंत्रालय द्वारा जो इस न्यायालय को अधिनिर्णय हेतु प्रसंग प्रेषित किया गया है उसमें प्रार्थी को सेवा पृथक दिनांक 18-4-99 दर्शा रखा है जो कि अविवादित रूप से दर्शा रखा है जबकि प्रार्थी को अविवादित रूप से दिनांक 8-4-99 को सेवा पृथक किया गया है तथा दिनांक 8-4-99 को सेवा पृथक किया जाना उचित एवं वैध पाया गया है। अतः प्रार्थी कोई राहत व राशि पाने का अधिकारी नहीं है।

अतः भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है—

The action of the Management of Hindustan Zink Ltd. Zink Smelter Debari Distt. Udaipur in imposing penalty as termination from service of Shri Khyalilal S/o Sh. Bherulal Harijan Ex Helper w.e.f. 8-4-99 (Not on 18-4-99) is legal and justified. Hence Worker is not entitled to any relief.

इसकी सूचना भारत सरकार के श्रम मंत्रालय को प्रेषित की जावे। पंचाट आज दिनांक 09-12-2005 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

उपा अग्रवाल, पीठासीन अधिकारी

नई दिल्ली, 13 जनवरी, 2006

का.आ. 586 .—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. इण्डियन रेयर अर्थस् लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 3/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-01-2006 को प्राप्त हुआ था।

[सं. एल-42011/3/2005-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of M/s. Indian Rare Earths Ltd. and their workmen, received by the Central Government on 13-01-2006.

[No. L-42011/3/2005-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT: Sh. P. L. Norbert, B.A., LL.B., Presiding Officer

(Friday the 30th day of December, 2005/09th Pousham 1927)

I.D. 3/2005

Shri Sivakumar Shenoy
Represented by General Secretary
IRE Staff & Workers Union
Indian Rare Earths Limited
Udyogamandal
Kerala

...Workman

By Advocate Shri K.S. Madhusoodanan.

The Head, RE Division
M/s. Indian Rare Earths Ltd.
Rare Earths Division
Udyogamandal
Kerala

...Management

By advocate Shri John K. Mathai.

AWARD

This is a reference made by Central Government under Section 10 (1)(d) and (2A) of Industrial Disputes Act, 1947 to this court for adjudication.

2. The reference is :—

“Whether the action of the management in reduction of one increment with cumulative effect and also recovering transport subsidy from his salary is correct or not? If not, to what relief the workman is entitled?”

3. On notice both sides entered appearance and filed claim statement, counter statement and a rejoinder. Their pleadings are as follows:

The workman is Shri Sivakumar Shenoy. He is represented by Union. According to the workman, he is a tradesman of Indian Rare Earths Ltd., Udyogamandal and he joined service in 1987. In 2001, alleging that he had availed transport subsidy from 24-1-2000 onwards illegally, a memo was issued to him by the management. Though he gave a reply denying the allegations he was charge-sheeted by the management. An enquiry was conducted. The finding was that he was not guilty. But the disciplinary authority differed with the view of enquiry officer and imposed punishment. Though an appeal was filed it was rejected by the Appellate Authority. The finding of the disciplinary authority is not based on materials and the punishment imposed is illegal and unfair. He had informed management by declaration that he was residing at Kumbalangy, his native place, from 24-1-2000 and thereafter by another declaration that he had shifted his residence to Kalamassery from 1-12-2000 onwards. So, he has not violated any standing orders.

4. The management contends that there is no industrial dispute and quantum of punishment cannot be questioned by a reference u/s-10 of I.D. Act. The reference is not maintainable. The worker on the basis of a false declaration obtained transport subsidy for the period from 24-1-2000 to 1-12-2000 at the rate of Rs.468 p.m. This is in violation of certified standing orders of the company. Hence disciplinary action was initiated and an enquiry was ordered. The enquiry report was not acceptable to the Management since the finding was perverse and not based on evidence on record. Therefore, after getting explanation from the worker a punishment of recovery of the amount illegally obtained and reduction of one increment with cumulative effect was ordered. The report of Police Commissioner and certificate of Ration Shop dealer prove that the worker was in fact residing at Kalamassery. There is no unfair labour practice. It is a proved misconduct. The action of management disagreeing with the findings of Enquiry Officer is legal and correct.

5. Points of consideration are:—

(1) Is the reference maintainable?

(2) Is the punishment proper?

6. **Point No. 1:**

According to the management, the reference is unsustainable as it is regarding punishment only, and not regarding finding of guilt. It is contended that except u/s-11A of the Act (discharge or dismissal) the punishment cannot be challenged by reference.

S-2(k) of I.D. Act defines ‘industrial dispute’. The worker had raised a dispute with regard to the punishment and that dispute was espoused by Union and that question was referred by the Government to this Court. Hence, it becomes an industrial dispute. The decisions in North-West Karnatak Road Transport Corporation, Hoogly Vs.

K.S. Raghunathappa 2003 LLR 830 (Kant), Gwalior Potteries & Others Vs. Bhagwan Das & Others 2002 LLR 25.5 (M.P.) and Indian Farmers' Fertilizer Corporation Limited Vs. P.O. Labour Court, Union Territory of Chandigarh 1999 LLR 51 (P&H) support the contention that the quantum of punishment can be interfered by the Court. Therefore I find that the reference is proper and is sustainable.

7. Point No. 2 :

The workman Shri Sivakumar Shenoy was employed in Indian Rare Earths Ltd. Udyogamandal, Ernakulam District as tradesman in 1987. Though he belonged to Kumbalangy Panchayat he shifted to Kalamasserry with his wife and children for the sake of convenience for work. But, during 2000 for 10 months he received transport subsidy for journey from company to Kumbalangy (his native place) on the basis of his declaration submitted to company that he was staying at Kumbalangy from 24-1-2000. Later, on 29-11-2000 he gave another declaration that he had shifted his residence back to Kalamasserry. But company receiving information that he had continued to reside actually at Kalamasserry and not at Kumbalangy during the disputed period of 10 months, issued a memo dated 11-6-2001 (Ext. M4) to show cause why disciplinary action shall not be taken against him for misconduct and violation of certified standing orders. The workman gave Ext. M5 reply. It was not satisfactory to the management. Hence he was charge-sheeted (Ext. M6) and an enquiry was ordered. The finding of the Enquiry Officer was that the worker was not guilty. This finding was not acceptable to the management. Hence Ext. M7 Memo was issued to workman asking him to explain why the management cannot differ from the findings of Enquiry Officer. Ext. M8 reply was submitted by the worker. The management imposed punishment of recovery of transport subsidy received by worker for a period of 10 months and reduction of one increment without cumulative effect (Ext. M9). The worker preferred Ext. M10 appeal. It was dismissed by the Appellate Authority (Ext. M11). Hence the punishment is challenged by the worker.

8. The enquiry report is not an exhibit in this case. But admittedly the finding was in favour of workman. The Management differed from the finding and decided to impose punishment on the basis of report of Police Commissioner and that of a ration shop owner. Both are not exhibits in this case. It was brought out in oral evidence that Police gave a report about worker including the claimant, on the basis of a request letter of company for information about character antecedents of workers. It is stated by MW1 that the company had specifically requested the police to report about the residence of the claimant. However, that request letter is also not produced. None of the relevant documents are before court to express any opinion regarding the view of the management in the matter. But it may be noted that even with all the documents

this court may not be able to go into the merits of findings of management regarding guilt of the claimant because the dispute referred is with regard to punishment only. But for the sake of completeness I must mention that the worker has produced Exts. W1 to 4 to substantiate his contention that he did reside at Kumbalangy during the disputed period. They are the certificates of Village Officer of Kumbalangy and Trikkakkara. Again, I cannot go into the merits of those documents for want of reference regarding that aspect. Yet I must say that there is complete imbalance of evidence when weighed. However, the finding with regard to guilt has to remain intact, as my endeavour is limited to the question of correctness of punishment only.

10. The punishment imposed is recovery of transport subsidy illegally received and reduction of one increment without cumulative effect. Though the claimant has been working in the company from 1987 onwards, he had claimed only 10 months's transport subsidy for journey from Kumbalangy to company from 24-1-2000 to 30-11-2000. During this period the company did not suspect him. It is after he gave a declaration on 20-11-2000 (Ext. M3) that he had shifted his residence back to Kalamasserry that the company started initiating action. During cross-examination of WW1 it came out that he is the only son of his parents and his sisters are residing with their husbands. His father was residing alone during 2000 at Kumbalangy and so the claimant was compelled to stay at Kumbalangy. In 2001 his father was brought to Kalamasserry to reside with him and his family. MW1 says that the Vigilance Department of the company had given information that the claimant was actually residing at Kalamasserry during the dispute period. That report or file is also not before Court. It is to be noted that during a period of 18 years the worker has claimed transport subsidy for stay at Kumbalangy (his native place) only for a period of 10 months. Unless there is sufficient reason one would not do so. If he had intended to cheat the company he could have claimed transport allowance from the very beginning. Considering the totality of circumstances and lack of proper materials on record it was not proper for the management to impose harsh punishment. It was enough to recover the amount received by the worker as transport subsidy during 10 months in 2000. The punishment of reduction of one increment was clearly unwarranted. Point is answered accordingly.

11. In the result, an award is passed allowing the claim of the worker in part. The imposition of punishment by the management is modified to the effect that recovery of transport subsidy for the period from 24-1-2000 to 1-12-2000 already effected is upheld, but reduction of one increment without cumulative effect is set aside. The parties will suffer their respective cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 30th day of December, 2005.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the workman :

W 1 - Sivakumar Shenoy -22-12-2005.

Witness for the management:

MW 1- M. V. Tomy- 26-12-2005.

Exhibits for the workman:

W1- Photocopy of Certificate issued from Kumbalangy Grama Panchayat dtd. 8-3-2003.

W2- Photocopy of Residential Certificate issued by Village Officer, Thrikkakara dtd. 8-8-2003.

W3 - Photocopy of Certificate issued by Village Officer, Kumbalangy dtd. 25-7-2003.

W4 - Photocopy of Residential Certificate issued from Kumbalangy Grama Panchayat dtd. 24-12-1996.

Exhibits for the management:

M1 - Transport subsidy rate order dtd. 27-12-1999.

M2 - Declaration given by the workman.

M3 - Declaration given by the workman dtd. 29-11-2000.

M4. - Memo given to the workman dtd. 11-6-2001.

M5 - Reply given by the workman dtd. 14-7-2005.

M6 - Charge-Sheet given to the workman dtd. 3-8-2001.

M7 - Memo given to the workman dtd. 18-2-2004.

M8 - Reply given by the workman dtd. 27-2-2004.

M9 - The order of punishment dtd. 25-3-2004.

M10 - Appeal memorandum of workman.

M11 - Order of Appellate Authority dtd. 27-7-2004.

M12 - Copy of Voter's List of Ward No. IV of Kalamasserry Municipality.

नई दिल्ली, 13 जनवरी, 2006

का.आ.587.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण गोहाटी के पंचाट [संदर्भ संख्या 4(C)/2000] को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-01-2006 को प्राप्त हुआ था।

[सं. एल-30011/69/1999-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 587.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 4(c)/2000] of the Industrial Tribunal, Guwahati as shown in the Annexure, in the Industrial Dispute between the management of The Regional Director, O.N.G.C. and their workman, received by the Central Government on 13-01-2006.

[No. L-30011/69/1999-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

**IN THE INDUSTRIAL TRIBUNAL:
GUWAHATI: ASSAM**

Reference No. 41(C) OF 2000

PRESENT:

Shri B. Bora, Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute

BETWEEN:

The Management of
The Regional Director,
O.N.G.C.

Nazira,
Sibsagar.

Vs.

Their workman Smt. Banti Baruah.

APPEARANCE:

Shri P. Choudhury, Advocate : For the Management.
Miss S. Senapati,
Advocate

Shri N.C. Choudhury. : For the workman
Advocate.

Date of Award : 1-12-2005

AWARD

The Government of India, Ministry of Labour, New Delhi by a notification No. L-30011/69/99/IR(M) dtd. 15-3-2000 referred an Industrial Dispute between the Management of Regional Director, O.N.G.C. and their workman Smt. Banti Baruah on the following issue :

“Whether the claim for regularisation of Smt. Banti Baruah is justified or not on the ground that Smt. Banti Baruah served on the post of typist during 1985 to 1990 and then worked under contractor during 1990 to 1995? If yes, to what relief Smt. Banti Baruah is entitled?”

On receipt of reference, a reference case was registered and notices were issued both parties calling upon them to file their written statements/addl. written statements and documents if any. In response to the notices both parties appeared in this court and filed their written statements. Both parties also adduced evidences both oral and documentary in support of their respective cases.

The case of the workman is that she is a qualified typist who had passed her matriculation. She was appointed as typist by the O.N.G.C. from December, 1985 on contract basis. She claims that she was directly employed by the O.N.G.C. and she was paid directly under the Head : A-16.4 of the Book of Delegated Power. She was paid @ Rs. 2.00 per page of typing. She continued working till 1995 and she worked more than 240 days per

year. Her case is that she used to submit her bills and the O.N.G.C. paid her directly. The management issued Identity Card No. 2051 on 28-4-86 and issued a permanent card being No. 74 in the year 1992. Moreover, the management at that time was contemplating regularisation of her service and for which there were correspondances between the Additional Director TPT, ONGC, Sibsagar with the Head Quarters also. In those correspondance by the Addl. Director and the Deputy Director the exact number of days for which the workman worked were specifically mentioned and request was made for regularisation of her service however, purposefully terming the same as contract job to deprive her from her legitimate privilege.

The workman worked on contingent basis and as such on the basis of Standing Orders for contingent workers of the ONGC, the workman is entitled to be regularised as regular employee under the ONGC inasmuch as she had put in more than 240 days of work per year during the period referred to above. The fact that the workman was on the roll of the ONGC and was paid as contingent worker under the Head of Account of A-16.4 shall be revealed from the File No. SIBS/TPT/PLG/S(II)/87-88 of the management as well as the sanction orders issued from time to time.

The workman has prayed for an award in her favour.

On the otherhand the case of the management in brief is as follows :

That the workman Smt. Banti Baruah claims that she is a qualified Typist etc. is a matter of record.

It is denied that the workman was appointed by the management because any appointment is made as per ONGC recruitment and promotion rules which has force of law. Appointment is made under specified procedure and finally by offering a letter of appointment indicating the terms and conditions of such appointment therein. Therefore, the statement made therein about work load of ONGC etc. is not relevant here. It is also denied that to avoid appointment of regular Typist due to high expenditure, ONGC engaged Typist on temporary basis. In no case ONGC employed workman or casual/contingent basis for typing job.

That, with reference to statement made in para-3, it is stated that management did not engage any workman directly who does the job as alleged. It is also denied that the management arranged Typist by giving the name of contractual labour which in fact was a sham. In this regard it is submitted that management is not liable for all jobs done by the people at lower grade without having proper power. Management is not liable for all types of acts of its employees which are not legally permissible or it is beyond the purview of power of the concerned personnel. The payment of bills does not

establish that the person was appointed on casual or contract basis but the whole facts and circumstances is required to be considered to find out nature of the relationship between the management and the petitioner. It is further submitted that even if a person works for 240 days continuously, he cannot be appointed as regular employee in contravention of the rules of the organisation. Even if the claim of the petitioner is true he or she is required to come through recruitment process subject to possessing prescribed qualification, age, experience etc. There is no procedure to get him/her absorbed permanently and the Supreme Court in many cases has held that such type of back door process in the matter of recruitment in public sector is not sustainable in law. It is further submitted that issuance of Identity Card to a person does not establish that he is an employee of the organisation because the area has been declared as protected place. Therefore, permit, is given to the different person to enter into the premises. As the rules of the organisation do not provide for appointment of any such person who are working under contractor, so question of action of the management for regularisation does not arise at all.

That, with reference of para-6 of the statement, it is submitted that the High Court in C.R. No. 3366/95 as referred herein, did not direct to regularise the service of the petitioner but directed to examine their case and accordingly case of the petitioner was examined. But after such examination she was informed that she cannot be absorbed dehorng the rules and regulation but she can apply in future when vacancy will occur and her case would be considered along with others.

That, with reference to statement made in para-8 the concerned workman was not the employee of ONGC at any time, therefore she cannot be reinstated. In fact she was engaged by the contractor to execute contract with ONGC.

The management has prayed for an award in its favour.

Let me now consider as to whether the workman was a direct employee of the ONGC or whether she was a contract labour? As per the Schedule of reference the workman worked on the post of typist during 1985-90 directly under the ONGC and from 1990 to 1995 worked under contractor. The workman's claim is that she never worked under any contractor. In para 3 of her written statement the workman stated that she was directly employed by the management and she was directly paid. "However, in subsequent correspondance it sought to camouflage the arrangement by giving the name of contractual labour which in fact was a sham".

The management denies that the workman was ever engaged as a contingent employee and she was an employee of the management at any point of time. The

management stated in its written statement (in para 8) that she was engaged by the contractor to execute contract with the ONGC. But strangely enough not a suggestion was given to her in her cross-examination to this effect.

Be that as it may, let me examine the claim of the workman in the light of the materials before me.

The workman deposed that she was working in the ONGC as typist from Dec. 85 till 1995. She further stated that she was paid @ Rs. 2.00 per page of typing against bills submitted by her.

Let me examine the veracity of these statements of the workman.

Ext. 1 is a sanction order dt. 20-5-87 by the Joint Director (TPT) PLG, which clearly shows that any amount of Rs. 1674.00 was sanctioned for engagement of one Typist on contractual basis for a period of 90 days w.e.f. 22-01-1987 @ Rs. 18.60 per day. The sanction order clearly spelled out that the sanctioned amount be paid to Ms. Banti Baruah, the workman.

Ext. 2 is another sanction order by which the General Manager (Tech.) ONGC, Sibsagar sanctioned Rs. 2250.00 towards expenditure on typing work of the Transport Planning Cell.

Ext. 3 is another sanction order for Rs. 2259.00 for the same job as shown in Ext. 2. Both the sanction orders made it clear that the Typist be paid @Rs.2.00 for per page of typing.

Ext. 4 is another sanction order for Rs. 2400.00 for the same job.

Ext. 5 is another sanction order for Rs. 3000.00 for the same job.

These sanction orders relate to different periods from 20-5-87 to 16-7-90.

Exts. 6, 7 and 8 are the Bills submitted by the workman for different periods.

Ext. 9 is the Identity Card of the workman issued by the management.

Ext. 10 is another Identity Card of the workman issued by the ONGC.

Ext. 11 is a Laboratory Examination Report of the workman which was done in the hospital of the management.

Ext. 12 is a letter written by the Addl. Director (TPT) ONGC, Sibsagar on 25-1-90 to the Joint Director (IR) in response to his letter No. IR/NZR/418/89-90 dt. 10-1-90 on the Subject of regularisation of job of contract personnel. By this letter number of days worked by the workman in TPT, section from 20-10-86 to 30-12-89 has

been shown. Further, it mentions that the workman was continuing her job from 1-1-90.

Ext. 13 is another letter written by Deputy Director (P&A) TPT to the Sr. D.D. (IR) by which the particulars in respect of the workman during the year 1986 were furnished. From this letter it transpires that the workman worked in the TPT cell of the ONGC as contractual labour for 185 days.

From these documents proved by the workman it is crystal clear that the workman was engaged directly by the management from 20-1-86 to 30-12-89 and to some further date. These documents are sufficient to prove that for engagement of the workman as typist on contract basis, the Management from time to time sanctioned specific amount for payment to the workman against her bills. The management can not deny the authenticity of these documents. The Management, however, averred in its written statement that the management is not bound by the actions of its subordinate officers who act without authority in granting Identity Cards to contractual workers, restricted area pass etc. But it is not enough to say that the Subordinate Officers issued the passes or Identity Card without authority. It must prove the lack of authority to issue the passes or Identity Cards by such officers and unless and until this is proved, the management is bound by the actions of its officers because anything done by an officer in his official capacity must be presumed to be done legally.

Let me now examine another aspect of the matter it is claimed by the management and as per the terms of the reference that "the workman worked under contractor during 1990 to 1995". But how far the management is able to prove this assertion is to be examined.

As per Ext. 12 the workman continued to work as a contractual Typist from 1-1-90. Hence, the period shown in the terms of the reference is somewhat fictitious. The workman did not certainly work under any contractor from 1-1-90 as can be seen from Ext. 12. If this is that fact it is for the management to prove as to from when the workman was engaged through contractor. In a bid to prove that the workman was engaged through a contractor during 1990 and thereafter the Management examined one Sri Tuniram Phookan as MW-2 who deposed that the workman worked under him as contractual labour. Ext. J is the payment voucher Register and Exts. J (1) and J (2) are the signatures of the workman. It is seen that the Ext. J(1) relates to the month of July, 92 and it is an acquittance Roll for payment of wages for the purchase section of the ONGC, Nazira. The workman never worked in purchase section according to her statement. Let me now examine the work order issued by the ONGC to the contractor for the relevant period. Ext. M-11 is the document in question which was issued by

the Dy. Director (MM) DBG NP stores, ONGC, Sibsagar to contractor Sri Tuniram Phookan for the period of 1-7-92 to 15-8-92. In the Ext. M-11 the heading under 'Name of work' the following works were shown, namely lifting, shifting, cleaning and preservation of materials inside stores premises at the installations at NP Stores, Central Stores, LKW Stores and Rly. Station Yard, Sibsagar.

The contractor (MW-2) in his evidence stated that the workman used to clean the files and stack them. But the work order Ext. M-11 is totally silent as to these jobs. Even if the workman was engaged for cleaning and stacking of the office file by the contractor, that was done outside the scope of the work order and for that she can not be paid by him. On the other hand, the works detailed in the work order had to be performed at the store premises at the installations at NP Stores, Central Stores, LKW stores and Rly Yard Sibsagar, which have no link with the works performed by the workman. MW-1, Girish Ch. Dutta, Sr. P&A Officer, ONGC, Sibsagar stated in his evidence that he knew the workman from 1986. She came to his office seeking job and she was given a typing job by him on contract basis @Rs. 2.00 per page. MW-3 Md. Sayed Abdul Khaleque stated in his evidence that no contract works in respect of shifting, stacking, cleaning etc. have been done since 1997. This witness in his cross-examinations stated that he was attached to the Napukhuri Store but the workman never worked at the Napukhuri Store. She worked in the Central Store of the Material Management Deptt. From this piece of evidence it can be clearly seen that this witness has no clear knowledge as to where the workman worked. Further this witness stated that the works shown in the Ext. 11 of the contractor have been discontinued from 1997. The workman did not work at all at the Napukhuri Store where the MW-3 worked. If this is the fact, we have reason to doubt about the veracity of his evidence. The ONGC establishment at Nazira is not certainly a small establishment to permit each employee to know the everyone in the establishment. The evidence of MW-4 is also found to be not satisfactory. This witness stated that he has been working in the Transportation Officer in the Transport, Planning and provisioning Cell, Sibsagar since 1989. But this witness in his cross-exams stated that he could not say if the workman was working in the Transport Deptt. He also could not say from which Head of Account. She was paid. Now, the question is : if he was working in the Transport, Planning and provisioning Cell at Sibsagar as a Senior Officer, he must have the knowledge as to from which Head of account she was paid. Even he failed to say whether the workman was working in his Deptt. This being the position, the evidence of this witness is also not at all trustworthy.

Being situated thus, I am constrained to hold that the stand taken by the management is purely an

afterthought just to deprive the workman of her legal claim for regularisation.

Let me now look into another aspect of the reference i.e. the question of maintainability of the reference. It was hemmared time and again by the learned counsel for the management that the reference in question is not an Industrial Dispute as defined in Section 2(K) of the I.D. Act 1947. The definition clearly rules out any individual dispute between the workman and his employer i.e. no dispute raised by any individual employee against his employer is "an industrial dispute as per the definition of Section 2(K) of the Act and unless such a dispute is covered by the definition of Section 2A of the Act, this Tribunal has no jurisdiction to go into the merits of the dispute as such a dispute can not be treated as an Industrial Dispute True. But objection of this sort should/could have been raised before this Tribunal decided to go into the merit of the reference. Why this objection was raised at this belated stage? If such an objection had been raised earlier the time, energy of the parties and the money so far spent in fighting out this reference could have been saved. It is true that an individual dispute of a workman is not an industrial dispute unless such a dispute is espoused by the union of the workmen of the Industry or a considerable number of the workmen espouse the case of the workman. Individual disputes which come within the perview of Section 2-A of the I.D. Act, 1947 are the only disputes which can be legitimately raised. If the dispute of a single workman does not come within the perview of the Section 2-A of the Act, it is not an Industrial dispute and the Industrial Tribunals have no jurisdiction to adjudicate the reference.

Let me now revert to the Section 2-A of the I.D. Act. According to this section where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman and any dispute or difference between the workman and his employer connected with or arising out of such discharge, dismissal, retrenchment or termination arises, such a dispute on difference shall be deemed to be an industrial dispute not with standing that no other workman nor any union of workman is a party to the dispute.

Now, let me examine as to whether the dispute raised by the workman falls within the perview of the cases as defined by Section 2K or 2-A of the I.D. Act. What does the term "otherwise terminate imply"? The employer can dismiss, discharge, retrench or otherwise terminate the service of a workman. When an employer can not discharge, dismiss or retrench a workman he can otherwise terminate the service of a workman. The dictionary meaning of the word 'Terminate' is to put an end to. The workman in question was not a regular employee of the Management and this being the position, the management was not in a position to discharge, dismiss or retrench her. The only recourse for the employer in the case in hand was to put the service of the workman to an end by refusing to allot her anymore typing work.

Moreover, it can be seen from the order of the Hon'ble High court in the Civil Rule No. 3366/95 that the dispute for regularisation of service was not raised by the workman alone. There were 19 other workmen with her.

The workman and 19 others raised an industrial dispute before the Asstt. Labour Commissioner (Central) Dibrugarh for their re-instatement and regularisation of their service. The conciliation failed and the matter was forwarded to the Secretary, Ministry of Labour, Govt. of India who then referred the disputes in the form of two references. The dispute of the workman was referred by splitting it from the dispute of other 19 workmen. So, in no sense it can be said that this dispute was raised individually by the workman. This being the position, even if the dispute raised by the workman does not come within the purview of Section 2-A of the Act, it shall come within the purview of Section 2(K) of the Act.

This being the case, even if the case of the workman does not come within the purview of Section 2(K) of the Act it will certainly come within the purview of Section 2-A of the Act. Hence, in my view the dispute is maintainable in its present form.

The learned counsel for the Management argued that there must be a jural relationship between the employer and employee before the workman can claim regularisation or reinstatement. As has been decided earlier that the workman was the direct employee of the Management not a contract labour, the jural relationship has always been there between them. The learned counsel cited the case laws of the Hon'ble High Court in *Indian Oil Corporation Ltd. v. P.O. CGIT, Guwahati and others* 1992 (2) GLT 265 and *Indian Oil Corporation Ltd. v. P.O.I.T. Assam and others* (1999) 2 GLR 360.

The learned counsel for the Management also tried to convince us that the dispute in hand is not an industrial dispute but an individual dispute and therefore, not maintainable. The learned counsel for the Management cited several case laws in support of his arguments which are:—

- (1) *C.P. Transport Services Ltd. v. R.G. Patwas* 1957 (1) LLJ page 27.
- (2) *Indian Cable Co. Ltd. v. Its workmen* FLR (4) 1962 Page 444.
- (3) *Dipak Industries v. State of West Bengal* 1975 (1) LLJ 293.
- (4) *Anunangshree Chakraborty v. Aajkaal Publishers Ltd. & Others* 1994 (1) CLR Page 1084.

The learned counsel also argued vehemently that the burden of proof lies on the workman to prove that she worked for 240 days per year for claiming her regularisation/reinstatement.

In support of his arguments the learned counsel for the Management cited the following case laws:—

- (1) *M.P. Electricity Board v. Hariram* 2004 (8) S.C.C. 446.
- (2) *Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan* 2004 (8) SCC Page 161.
- (3) *Municipal Corporation, Faridabad v. Siri Niwas* 2004 (8) S.C.C. 195.
- (4) *Essen Deinki v. Rajib Kumar* 2002 (8) S.C.C. Page 400.
- (5) *Range Forest Officer v. S.T. Hadimani* 2002 (3) S.C.C. 25.

There is not the least of doubt that the burden lies on the workman to prove that he worked for 240 days each year before he claims regularisation. The workman in hand has discharged this burden by proving some documents.

The learned counsel also argued that the workman was a contract labour under one Tuniram, Phukan (MW-2) and she can not raise any dispute for regularisation/reinstatement unless the employment of contract labour is prohibited by the Appropriate Govt. by a notification U/S 10(1) of the Contract Labour (Regularisation & Abolition) Act. In support of his arguments the learned counsel cited various case laws which are:—

- (1) *State of U.P. v. Ajoy Kumar* 1997 (4) S.C.C. Page 88.
- (2) *Raj Kumar Dhali v. State of West Bengal* 2001 (2) C.H.N. page 450.

and

- (3) *Union of India v. Uma Maheswari* 1997 (XI) SCC Page 228.

In view of my decision aforesaid that the workman was not a contract labour, but a direct employee of the Management the case laws cited above do not hold the field.

The learned counsel also argued at length that the workman is estopped from claiming as direct employee of the Management as she did not raise any dispute while she was engaged as a contract labour. This argument also holds no water in view of my decision that the workman was never engaged through any contractor.

The learned counsel also argued that the dispute of the workman is neither espoused by any recognised union of the employees of the ONGC nor it has been backed by considerable number of workmen. In support of his argument he cited some case laws too. But as it has already been held that the case of the workman falls within the purview of Section 2-A of the I.D. Act no such espousal by the union or support by a considerable number of workmen is necessary.

The learned counsel also argued that the percentage of the workman who raised the same dispute with the present workman is not enough to hold that the workman's dispute is supported by a considerable number of workman.

The counsel for the Management further argued that as the workmen in question was a contract labour and this

Tribunal has no power to direct the Management to regularise the workman unless the Appropriate Govt. abolishes the employment of contract labours in the ONGC by a notification U/s 10 (1) of the Contract Labour (Regulation & Abolition) Act. In support of his argument the learned counsel cited the case law in Steel Authority of India Ltd. & Others Vs. National Union Water Front Workers & Others 2001 AIR SCW 3574. The Hon'ble Supreme Court in the said appeal held that :— " If the contract is found to be genuine and prohibition notification under Section 10(1) of the CLRA Act in respect of the concerned establishment has been issued by the appropriate Government, Prohibiting employment of contract labour in any process, operation or other work of any establishment and where in such process, operation or other work of the establishment the principal employer intends to employ regular workmen he shall give preference to the erstwhile contract labour, if otherwise found suitable and, if necessary, by relaxing the condition as to maximum age appropriately taking into consideration the age of the workers at the time of their initial employment by the contractor and also relaxing the condition as to academic qualification other than technical qualifications."

But in the case in hand, there was no contract and if there was any, the same was nothing but a camouflage. Hence, the ratio of this case law is not applicable to the dispute under reference.

The learned counsel also argued that this Tribunal can not travel beyond the terms of reference. The learned counsel cited several case laws in support of his arguments which are :—

1. Pottery Mazdoor Panchayat Vs. The Perfect Pottery Co. Ltd and another 1983 (1) LLJ. SC. 232.
2. Sabitri Motor Service Pvt. Ltd. Vs. State of West Bengal & others 1976(33) FLR pg. 14.
3. Indragraphic Art Machinery Co. (Pvt) Ltd. Vs. Labour Courts & others 1991(1) LLN pg. 885.
4. Burma Shell Oil Storage & Distributing Co. of India Ltd. & others, Vs. Their Workmen and others 1961 (2) LLJ pg. 124.
5. Delhi Cloth & General Mills Co. Ltd.

Vs

Their workmen & others 1967(1) LLJ Pg. 423.

There is not the least of doubt that this Tribunal can not travel beyond the terms of reference but it has the power to decide the matters incidental thereto.

The Sub-Section 4 of Section 10 of the Industrial Disputes Act, 1947 has given this power to the Tribunal. The reference in hand is the question of regularisation of the service of the workman. Hence, this Tribunal can not consider the question of her reinstatement and direct the ONGC to do so. This plea of the Management is without and substance and legal force because unless and until a

workman is retrenched or terminated from service, how can the question of re-instatement come? Before directing the Management to regularise or re-instate a workman it must be decided whether the action of the Management in not regularising the service or termination of the service, as the case may be, was justified or not? Unless the Tribunal decides this issue it can not direct the employer to regularise the service of the workman or to re-instate him. These matters are ancillary or incidental to the reference and therefore the Tribunal has the power to decide such incidental matters.

The learned counsel for the workman argued that this is not a case of simple regularisation but a case of termination. He argued that the question of re-instatement and regularisation can not arise unless one is retrenched or his service is terminated. Hence, it would be wrong to say this is a case of regularisation which does not come U/S 2-A of the Act. He further argued that the dispute in question is not an individual dispute but the same dispute was raised by 20 workmen and claimed for regularisation of their service. The 20 workmen including the present workman filed a writ petition in the High Court and the Hon'ble High Court directed the workmen to approach the Labour Commissioner and while he approached the Labour Commissioner, it was he who had split the case of the present workman from the other workmen. This can be seen from the conciliation failure report of the Labour Commissioner. The learned counsel further argued that the workman never worked as a contract labour under any contractor. The documents proved by the Management are not genuine. Hence, the case Law of the Steel Authority of India Ltd. & Others Vs. National Union Water Front Workers & Others 2001 AIR SCW 3574 is not applicable in this case.

The learned counsel for the workman also argued that the management has illegally terminated the service of the workmen by stopping job contract to her by refusing to provide her any more work. He further argued that the nature of job performed by the workman is perennial in nature and she worked for more than 240 days for several years. The learned counsel for the workman of course did not cite any case law in favour of his arguments.

After considering all the materials on the record, I am constrained to hold that the claim for regularisation of the workman is justified. The Management is therefore, directed to re-engage her in the job of typist from the date of her termination and also further directed to regularise her service from the date of her re-employment. Further, the Management is directed to give her all the financial benefits from the date of her termination from service. The reference is answered accordingly.

Given under my hand and seal on this the 1st day of December, 2005.

B. BORA, Presiding Officer

नई दिल्ली, 13 जनवरी, 2006

का.आ. 588. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान जिंक लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, उदयपुर के पंचाट (संदर्भ संख्या 6/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-01-06 को प्राप्त हुआ था।

[सं. एल-43012/4/97-आई आर (विधिय)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 588. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Udaipur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Hindustan Zinc Limited and their workman, which was received by the Central Government on 12-01-06.

[No. L-43012/4/97-IR (M)]

B. M. DAVID, Under Secy.

अनुबन्ध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर (राज.)

पीठासीन अधिकारी — उपा अग्रवाल, आर.एच. जे. एस.

प्रकरण सं. 6/97 श्रम वाद

श्री भरत बंसल द्वारा
आखिल भारतीय जस्ता
उत्पादक श्रमिक संघ
रामचन्द्र चम्पालाल धर्मशाला
के बाहर, उदयपुर

--- प्रार्थी

विरुद्ध

मुख्य प्रबन्धक, राजपुरा
दरीबा माईन्स, हिन्दुस्तान
जिंक लिमिटेड, दरीबा,
जिला राजसमन्द

--- विपक्षी

उपस्थित :—

प्रार्थी की ओर से : श्री प्रदीप पालीवाल,

विपक्षी की ओर से : श्री बी.एल. गुप्ता

दिनांक 23-12-2005

पंचाट

भारत सरकार के श्रम मंत्रालय के आदेश संख्या एल 43012/4-97 आई. आर./मि. न्यू देहली दिनांक 19-6-97 के द्वारा नियमित प्रसंग इस न्यायालय को अधिनियम हेतु प्रेषित किया गया. --

"Whether the action of the Management of Rajpura Dariba Mine of Hindustan Zinc Ltd. in stopping one

increment with cumulative effect of Shri Bharatlal Bansal. Sr. Draughts, is justified? If not, to what relief the workman is entitled?"

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 9-7-97 को नियमित श्रम वाद सं. 6/97 दर्ज रजिस्टर किया जाकर पक्षकारों को नोटिस जारी किये गये जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जवाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार है कि प्रार्थी विपक्षी नियोजक के अधीन सीनियर ड्राफ्ट्समैन के पद पर केटेगरी 9 में कार्यरत रहा है और उसकी सेवा निवृत्ति दिनांक 31-5-2000 को की गई। प्रार्थी पर दो दिन कार्य से अनुपस्थिति का आरोप लगा कर एक तरफा कमाप्लेज जांच कार्यवाही कर दिनांक 20-4-95 को आदेश प्रसारित कर भूतलक्षी प्रभाव से स्थायी रूप से एक वेतन वृद्धि रोक दी गई जिससे पीड़ित होकर विवाद प्रस्तुत किया जिसमें कोई समझौता नहीं हो सका।

प्रार्थी के विरुद्ध यह आरोप दुर्भावना से उसकी विभिन्न विचारों के कारण उसे दण्डित किया। बादप्रस्त आदेश से पूर्व प्रार्थी को बचाव का पूर्ण अवसर प्राप्त नहीं हुआ, जांच अधिकारी द्वारा निर्धारित तिथियों की सूचना संदर्भित श्रमिक को नहीं दी गई। बादप्रस्त आदेश नैसर्गिक न्याय के विरुद्ध है। बादप्रस्त आदेश द्वारा श्रमिक की एक वेतन वृद्धि भूतलक्षी प्रभाव से स्थायी रूप से रोकी गई है जो मेजर पनिसमेन्ट की श्रेणी में आता है। और जो श्रमिक पर आरोप अनुपस्थिति के संदर्भ में लगाये हैं जो परिमाण से बहुत ज्यादा है और निरस्त किये जाने योग्य हैं। अतः प्रार्थना की है कि बादप्रस्त आदेश जिसमें भूतलक्षी प्रभाव से स्थायी रूप से संदर्भित श्रमिक की एक वेतन वृद्धि रोकी गई है, निरस्त करने व समस्त आर्थिक लाभ दिलाये जाने की प्रार्थना की है।

विपक्षी ने अपने जवाब में प्रार्थी का अपने अधीन ड्राफ्ट्समैन के पद पर होना व 31-5-2000 को सेवा निवृत्त होने के तथ्य को स्वीकार किया है तथा प्रार्थी 23-10-93 व 25-10-93 को कार्य पर उपस्थित होने के उपरान्त बिना अनुमति के कार्यस्थल से अनुपस्थित पाये जाने के आरोप में आरोप पत्र जारी कर प्रमाणित स्थायी आदेशों के खण्ड 18 (8) के अन्तर्गत जांच कार्यवाही प्राकृतिक न्याय के सिद्धान्तों के अनुकूल करते हुए उन्हें अपने पक्ष में बचाव का पूर्ण अवसर दिया। 1-4-95 को जांच प्रतिवेदन की प्रति स्वयं भरत लाद ने प्राप्त की, जबकि दण्ड आदेश 20-4-95 को जारी किया। समझौता अधिकारी के समक्ष बाद प्रस्तुत होने पर प्रबन्धन द्वारा अपना पक्ष प्रस्तुत किया परन्तु इस विषय में प्रबन्धन पक्ष को नहीं माने जाने के कारण कोई समझौता नहीं हो सका और विवाद संदर्भित किया। विवाद यूनियन ने प्रस्तुत किया। किन्तु क्लेम यूनियन ने प्रस्तुत नहीं किया इस कारण क्लेम निरस्त योग्य है। प्रार्थी को दण्डादेश जारी करने के पूर्व साक्ष्य एवं बचाव का पूर्ण अवसर दिया गया। प्रार्थी को दण्डादेश दिनांक 20-4-95 जारी करने के पूर्व दिनांक 1-4-95 को जांच प्रतिवेदन की प्रति दी गई जो स्वयं प्रार्थी ने प्राप्त की। जांच अधिकारी द्वारा निर्धारित तिथियों की सूचना समय पर प्रार्थी को प्रदान की। प्रार्थी को जारी दण्डादेश कम्पनी के प्रमाणित स्थायी आदेशों के अनुसार कदाचार की गम्भीरता को देखते हुए दिया गया है। इसलिये प्रार्थी कोई आर्थिक लाभ या एरियर प्राप्त करने का

अधिकारी नहीं है तथा उसका प्रार्थना पत्र सव्यय खारिज किये जाने की प्रार्थना की है।

उभय पक्षकारों की बहस सुनी गई। पत्रावली का अवलोकन किया गया।

हस्तागत क्लेम में विपक्षी जस्ता कंपनी की ओर से यह आपत्ति की गयी है कि हस्तागत क्लेम प्रार्थी की ओर से प्रस्तुत किया गया है; जबकि विवाद यूनियन ने प्रस्तुत किया है। विपक्षी प्रतिनिधि की बहसा है कि धारा : 2-क ओ. वि. अधि. के तहत यदि किसी कर्मकार का विवाद उन्मोचन, पदच्युति छंटनी या पर्यावसन से संसक्त कोई विवाद नियोजक व नियोजित के मध्य से होने पर कर्मकार औद्योगिक विवाद उठा सकता है, किन्तु हस्तागत प्रकरण कर्मकार के सेवापृथक छंटनी पर्यावसन या उन्मोचन से संबंधित नहीं है बल्कि सेवा वृद्धि संचयी प्रभाव से रोके जाने के संबंध में है, इसलिये कर्मकार अकेला औद्योगिक विवाद नहीं उठा सकता है। प्रार्थी ने नियमानुसार समझौता अधिकारी के समक्ष यूनियन के जरिये विवाद प्रस्तुत किया है तथा केन्द्रीय सरकार ने विवाद भी हस्तागत न्यायालय को अधिनिर्णय हेतु प्रार्थी संघ के माध्यम से ही भिजवाया है। किन्तु प्रार्थी ने क्लेम प्रार्थना पत्र में पक्षकार तो भरत बंसल द्वारा अखिल भारतीय जस्ता उत्पादक श्रमिक संघ, रामचन्द्र चम्पालाल धर्मशाला के बाहर उदयपुर को बनाया है, किन्तु क्लेम प्रार्थना पत्र पर सत्यापन हस्ताक्षर भरत बंसल के हैं, संघ के नहीं हैं न ही पैरवी की है व इसको प्रस्तुत भी भरत बंसल ने ही किया है। इस प्रकार अखिल भारतीय जस्ता उत्पादक संघ ने प्रार्थी के क्लेम का प्रतिनिधित्व नहीं किया है इसलिये प्रार्थी के द्वारा प्रस्तुत क्लेम प्रार्थना पत्र विचारणीय न होने से खारिज किये जाने योग्य है। जबकि प्रार्थी प्रतिनिधि का तर्क है कि यह बात सही है कि क्लेम भरत बंसल के द्वारा प्रस्तुत किया है जो कि स्वयं श्रमिक है।

हमने उभयपक्षकारों के तर्कों पर मनन किया। धारा : 2-क औद्योगिक विवाद अधिनियम के तहत यदि किसी नियोजक ने कर्मकार को सेवा प्रकरण सेवा पृथक, उन्मोचन छंटनी या पर्यावसन कर दिया है तो स्वयं श्रमिक ऐसा विवाद उठा सकता है। इस बात के होते हुए भी कि ऐसा विवाद कर्मकारों के समूह द्वारा यह विवाद नहीं उठाया गया है तथा श्रमिक संघ इसमें पक्षकार नहीं है तो भी ऐसा विवाद औद्योगिक विवाद होगा। प्रार्थी का प्रकरण विपक्षी नियोजक द्वारा संचयी प्रभाव से वेतन वृद्धि रोकने के संबंध में है, अतः यह विवाद प्रार्थी स्वयं नहीं उठा सकता है या तो श्रमिक समूह द्वारा ऐसा विवाद उठाया जा सकता है या श्रमिक संघ जो कि कंपनी से मान्यताप्राप्त है ही ऐसा विवाद उठा सकती है। प्रार्थी ने बाद शीर्षक के जरिये अखिल भारतीय जस्ता उत्पादक श्रमिक संघ लिखा है उसने उक्त श्रमिक संघ को पक्षकार नहीं बनाया जाता है, बल्कि यह तो मात्र प्रार्थी को पता है। प्रकरण में पैरवी भी अधिवक्ता ने की है, अतः प्रार्थी का प्रार्थना पत्र नियमानुसार प्रस्तुत नहीं होने से खारिज किया जाता है।

इसलिये केन्द्रीय सरकार द्वारा प्रेषित प्रसंग को अधिनिर्णित करते हुए पंचाट इस प्रकार पारित किया जाता है कि "The action of the management of Rajpara Dantba Mine of Hindustan Zinc Ltd. in stopping one increment with cumulative affect of Shri Bharatlal Bansal Sr. Draftsman can not be adjudicated by the tribunal because the claim filed by the petitioner is not according to Law hence the claim of petitioner is

rejected" पंचाट प्रकाशनार्थ श्रम-मंत्रालय भारत सरकार को भेजा जावे।

पंचाट आज दिनांक: 23-12-2005 को खुले न्यायालय में लिखाया जाकर सुनाया गया।

उपा अग्रवाल, न्यायाधीश

नई दिल्ली, 13 जनवरी, 2006

का.आ. 589.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाईटेड बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट (संदर्भ संख्या 10(C)/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-06 को प्राप्त हुआ था।

[सं. एल-12012/46/2005-आई आर (बी. II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 589.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 10(C)/2005) of the Industrial Tribunal, Patna (Bihar) as shown in the Annexure, in the Industrial Dispute between the management of United Bank of India, and their workmen, received by the Central Government on 12-01-06.

[No. L-12012/46/2005-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA.

Reference Case No. 10 (C) of 2005.

Management of United Bank of India, Abhay Bhawan, 2nd Floor Frazer Road, Patna and their workman Sri Bachan Prasad Lal Arya Kumar Road, Patna-4.

For the Management : Sri Ranjan Kumar Sinha, A.R.M. (P).

For the Workman : Sri B. Prasad, General Secretary, Bank Employees Federation.

PRESENT: Om Prakash Sinha, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated the 30th December, 2005

By adjudication order No. L-12012/46/2005 -IR (B-II) dated 27-7-2005, the Government of India, Ministry of Labour, New Delhi has referred, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter to be referred to as 'the Act'), the following dispute between the management of United Bank of India, Frazer Road, Patna and their

workman Sri Bachan Prasad Lal, Arya Kumar Road, Patna for adjudication to this Tribunal:

"Whether the action of the Management of United Bank of India, Patna in awarding the punishment of dismissal to Shri Bachan Prasad Lal, Clerk-Cum-Typist of Katihar Branch of UBI for alleged involvement of fraud is legal and justified? If not, to what relief Shri Bachan Prasad Lal is entitled?"

2. On receipt of the reference notices were issued to the parties. Both the parties appeared and filed their respective written statement before this Tribunal.

3. The case of the workman, as it appeared from his statement of claim-cum-written statement is as follows:

(i) That the workman was appointed as Clerk-cum-Typist by the management of the United Bank of India in the year 1973. After working at Derbhanga, Lohardaga and Purnea Branches of the Bank, the workman was transferred to Katihar Branch of UBI in the year 1979. That the workman was placed under suspension vide office order No. 1/95 dated 7-8-1995. No explanation or show cause was issued to him before putting him under suspension. No charge sheet was handed over to him so that he might explain the correct position of the matter. It is stated that after his suspension a charge sheet was issued to him to which he furnished a reply to the Bank Management. This reply, however, was not found satisfactory by the management and an order for holding a domestic enquiry was made.

(ii) It is further case of the workman that the Enquiry Officer did not conduct Enquiry, fairly and properly and acted under the influence of out side pressure. That the Enquiry Officer relied on external materials and considerations ignoring the material facts available on the record. In this way Principles of natural justice were given a good bye. It is further stated that the findings of the Enquiry Officer were perverse. That the Enquiry Officer failed to discharge his duties as a quasi judicial Authority and acted like an Administrative Officer and did not maintain any order sheet while holding the enquiry. That the Disciplinary Authority on receipt of the Enquiry Report acted with closed mind and biased approach and failed to apply his mind fairly and properly while proposing the punishment and passing his final order of dismissal of the workman. That while passing this punishment order the Disciplinary Authority did not consider the past service record of the workman and passed his final order of "Dismissal without notice", which was communicated to the workman vide letter dated 6.12.2000 (Ext. W/5).

(iii) The workman being aggrieved and dissatisfied with the order of the Disciplinary Authority preferred an Appeal before the Appellate Authority vide his letter dated 16-1-2001 (Ext. W/6). The workman was to be allowed Personal Hearing within 30 days as per his service condition. That the Appellate Authority also acted with closed mind and biased approach and disposed of the

Appeal after lapse of over three years, which was communicated to the workman vide letter dated 27-7-2004 (Ext. W/7). It has been stated that both the Disciplinary Authority and Appellate Authority failed to discharge their duties as quasi judicial Authorities and passed order without applying their minds. That under some definite promise, coercion, threat and inducement, the workman was compelled to sign on some typed papers and other related documents.

(iv) That after the dismissal order having been slapped on the workman, he was left with no alternative but to raise an Industrial dispute before the Appropriate Authority. That after Industrial Dispute was raised, the Assistant Labour Commissioner, (Central) intervened in the matter, held Conciliation Proceedings and tried his best to settle the dispute through bilateral talks, but due to the rigid attitude of the management the Conciliation ended in failure and failure report was submitted to the appropriate Government. The Government after considering the matter referred the dispute for adjudication before this Tribunal.

(v) It has been stated further that the workman is at the fag end of his service and shall be deprived from his superannuation benefits in case the order of dismissal is not set-aside. That the workman is innocent did not commit any misconduct and has fallen a victim of the circumstances. He never indulged in fraudulent activities. He has his wife and two unmarried daughters to look after and has been left with no source of income and is at the brink of starvation. He has prayed for being reinstated in the service with back wages and other consequential benefits. On these grounds it has been prayed that the Award may be made in favour of the workman.

4. The case of the Management, as it appears from its written statement, is as follows:—

(i) That the aforesaid reference as raised by the workman is not maintainable at all in the eyes of law as well as on facts. That the statement of claim made by the workman is based on surmises and conjectures without any proof and basis.

(ii) The specific case of the Bank management is that the workman while working as a Special Assistant at Katihar Branch fraudulently prepared Nine Credit Transfer Vouchers aggregating to Rs. 53,465/- on various dates on the pretext of payment of interest towards Fixed Deposit Accounts and crediting the full amount to one S.B. Accounts No. 8762 in the name of one Asha Devi, who was not traceable on her address. The transfer of interest was done by Sri Lal (Workman) without the mandate of said F.D. account holders. In order to accommodate the amount of the above fraudulent credit entries he manipulated the other books and records. That the amount so credited was subsequently withdrawn by withdrawal slips on various dates and all the withdrawal slips were passed by him. In this way a fraudulent misappropriation of Rs. 53465 was perpetrated.

(iii) A departmental enquiry was instituted against the workman in course of which all reasonable opportunities were provided to the workman to defend him. The Enquiry Officer after conclusion of his enquiry submitted his enquiry report dated 14-9-2000 wherein he reported that the charge of fraudulent mis-appropriation of Rs. 53,465 was established and proved in course of enquiry. That in course of enquiry it was found that while acting as a Special Assistant, the workman used to release the vouchers prepared by himself by putting his signature singly and the Second signature was not obtained, which is a clear violation of Banking Rules and Practice. That he was given a personal hearing on 30-11-2000 by the Disciplinary Authority and the Regional Manager and a punishment of "dismissal without notice" was inflicted upon him by the Disciplinary Authority.

(iv) That his Appeal petition was also subsequently disposed of by the Appellate Authority, who confirmed the decision of the Disciplinary Authority. Thereafter the workman raised this Industrial Dispute. Conciliation Proceedings took place but that ended in failure. Thereafter this reference has been made by the Government of India, Ministry of Labour.

(v) That the management has raised some points which are crucial and must be considered before arriving to any conclusion.

(a) The fraud was detected on 24-7-95. Seeing the gravity of the fraud committed by the workman, he was put under suspension on 7-8-95.

(b) The Enquiry Officer conducted the Departmental proceeding in a fair manner. His action was inconformity with the Rules as prevailing in the Bank.

(c) Even the workman appreciated the gravity of the matter and agreed to make good the loss incurred by the Bank due to fraud committed by him.

(d) The Enquiry Officer and the Presenting Officer were very senior and experienced officers of the Bank and conducted the Departmental Proceedings taking into consideration all the aspects of the matter in an unbiased manner.

(e) The workman accepted the charges of perpetrating the financial losses to the Bank and consented to make good all the losses caused to the Bank by the fraudulent activities committed by him vide his letter dated 18-5-96. The workman actively participated in the Departmental Proceedings and was always accommodated by the Enquiry Officer whenever he Prayed for time for filing his defence. That the Appellate Authority also considered his Appeal and taking into consideration the gravity of the charges he confirmed the report of the Enquiry Officer and dismissed the Appeal filed by the workman. That the statement of the workman that under some definite, promise, threat and inducement

the workman was compelled to sign on some typed papers and other related documents is totally baseless and misleading. That Shri Lal put his signature knowing fully well of his indulgence in the fraudulent activities perpetrating financial loss to the Bank. The very fact that the workman deposited such a large amount to make good the loss incurred by the Bank goes to show his involvement in the malafide act.

(f) That it has been admitted by Shri Lal that he had taken heavy loan for getting his sisters marrie and was in a disturbed and worried state of mind with mental agony, clearly goes to show his indulgence perpetrating the financial loss to the Bank and can not be accepted in institutions like Bank's which deal with the money matters of public.

(g) It has been further stated on behalf of the Bank management that it has been held in different cases by the Apex Court of the land that the court or Tribunal can not reappraise the evidence and substitute its own findings. It is not open for the Tribunal to reverse the findings of the Enquiry Authority for lack of sufficient evidence.

(vii) On these grounds it has been prayed that the Award may be made in favour of the management.

5. On the basis of the cases of the parties the Government of India, Ministry of Labour referred this matter to this Tribunal for adjudication on following point.

"Whether the action of the management of United Bank of India, Patna in awarding the punishment of dismissal to Shri Bachan Prasad Lal, Clerk-cum-Typist of Katihar Branch of UBI for alleged involvement of fraud is legal and justified? If not, to what relief Shri Bachan Prasad Lal is entitled?"

From the terms of reference it is clear that this Tribunal has to confine itself on the point of punishment awarded to Shri Bachan Prasad Lal the workman.

6. Before entering into discussion of the materials filed on behalf of parties we would like to refer to the evidence both oral and documentary adduced by both the parties. The management has examined two M.Ws. in this case. The management has filed 44 documents and Zerox copies of a few vouchers.

7. The workman has examined only one W.W. who is workman himself. As many as 11 Exts. Exts. W to W/10 on behalf of the workman have been filed. We would consider and refer to the Exts. filed on behalf of the parties in course of discussion of the evidence.

8. Umesh Kumar Rai (M.W.1) was the Manager at Katihar Branch of the Bank from 3-9-96 to 12-8-2000. He has stated that B.P. Lal was a suspended employee of Katihar Branch of the Bank. He was suspended for defalcating Bank's money at Katihar Branch. That an enquiry was set up against him. That he deposited the

defalcated amount of the Bank in instalments. That he had enquired from the Bank authority as to loss of amount the Bank had sustained on his Account. The Bank told him about the extent of loss and he deposited the money in the Bank. He has referred to a letter dated 14-11-98 bearing his signature, which is marked as Ext. M. In this letter there are twenty-five entries and the total amount comes to Rs. 9,70,193. The letter shows that deposits of this amount on different dates by the workman has been acknowledged by the Branch Manager, who was this M/I. He has stated that such type of financial irregularity is reckoned as gross misconduct as provided in the Bipartite Settlement. In course of his cross-examination he has stated about the procedure of opening of an Account in the Bank. He was shown the account opening Form of Asha Devi (Ext. M/1) and he admitted that this was her Account Opening Form. He also stated that on this Form an Officer of the Bank namely Sanjay Anand had put his signature. That B.P. Lal was not chargesheeted for defalcation of Rs. 9,70,000. He, however, could not say as to for what amount of defalcation he was chargesheeted. The charge sheet issued to workman B.P. Lal was shown to him and he admitted this to be the charge sheet to have been served upon B.P. Lal. This is marked as Ext. M/2. He did not know whether any other chargesheet was served upon B.P. Lal or not.

9. Ashok Prasad Mishra, M.W.2 was posted at Katihar Branch as Cashier-cum-Clerk from the year 1988 to 1999. He has stated that B.P. Lal was working there from before 1988. That a Departmental Enquiry was conducted against B.P. Lal for defalcating the Bank's money. That he knew about it on 22-7-95. On that day he was working as Bank Ledger Keeper. The workman B.P. Lal gave him two vouchers of different accounts. That he posted them in the ledger. In course of posting the vouchers he noticed that his initial had already been made in it. He gave information about this to his higher Officers on 24-7-95. This letter is marked as Ext. M/3. That on the basis of his letter an Enquiry was initiated and thereafter B.P. Lal the workman was put under suspension. Thereafter the Departmental Proceedings ensued. In his cross-examination he has accepted that he was a member of Union other than the Union of the workman. He did not remember as to vouchers of which dates belonging to Geeta Devi and Asha Devi were posted by him on that date. That later on B.P. Lal struck out both the entries. That he reported the matter to his Bank Manager, his Union, Regional Manager and Vigilance Department. That after his information in writing charge sheet was issued. He has stated that such type of irregularity is termed as serious misconduct. He, however, could not say as to which type of charges were included in minor misconduct and serious misconduct.

10. From the evidence of these two M.Ws. it is clear that they did not participate in the Departmental Enquiry. It is therefore clear that they are new witnesses. It was submitted on behalf of the workman that the new

witnesses can be examined only in case the enquiry is held to be unfair and improper and that too with the permission of the Court in the event of pleading to that effect. It was further submitted that under these circumstances the evidence of these two witnesses do not carry any weight.

11. Shri B. P. Lal (W.W.1) is the concerned workman. He has stated that he did not get opened the Accounts of Asha Devi and Geeta Devi. That he did not ask Sita Ram Mandal to introduce Asha Devi and Geeta Devi for opening their accounts in the Bank. He also denied to have withdrawn money from the Account of Asha Devi after signing the withdrawal slip. He has stated that no explanation or any show cause letter was served on him before placing him under suspension with effect from 7-8-95. That there were two Unions operating at Katihar Branch and there was rivalry between them. He has also termed the findings of the Enquiry Officer as perverse. That he never indulged in any fraud and the punishment of dismissal awarded against him was not justified. That due to dismissal he had no means of income to look after his family. His condition is miserable due to his dismissal.

12. It was submitted on behalf of the workman that the workman worked as temporary Special Assistant and as a Teller Clerk during the period between 4-12-90 to 1-7-95. It has been further submitted that it is alleged that the workman prepared 9 fraudulent credit transfer vouchers amounting to Rs. 53,465 on various dates. That full details of vouchers are not available. That this also has come to light that the aforesaid amount is said to have been credited to S/A.No.8762 belonging to one Asha Devi. It was submitted by the learned D.R. that as per rules an applicant willing to open an account in the Bank must approach the Bank authority along with an introducer. That from facts of this case it is clear that signatures of Asha Devi and her introducer Sita Ram Mandal were obtained in presence of Sanjay Anand, the Deputy Manager of the Branch. The Account was opened on 4-12-1990 as it would appear from Ext. M/16. That after lapse of 4 years this fact cannot be denied.

13. The learned D.R. submitted that the entire case started on the opening of the Saving Bank Account No. 8762 in the name of Asha Devi. From the Account Opening Form it is clear that this Asha Devi was introduced by Sita Ram Mandal and this Form bears the signature of Sita Ram Mandal and also of S.K. Anand an Officer of the U.B.I. Katihar Branch. That this Sita Ram Mandal was not examined in the course of enquiry. These facts lead to the conclusion that Asha Devi had gone to the Bank for opening the Savings Bank Account in the Bank and, therefore, it cannot be said that this Asha Devi was a fake lady. No witness has been examined by the management to say that Asha Devi did not receive the payment of withdrawal slip in person. He further submitted that from Ext. M it is clear that the workman deposited a sum of Rs. 9,70,193 on

different dates in the Bank. That the amount shown in the charge sheet (Ext.M/2) is included in Ext.M. That if the amount of charge sheet i.e. Rs.53,465 is deducted from the total amount of Rs.9,70,193/- it comes to Rs.9,16,728. No evidence oral or documentary had been brought on the record to show that somebody else was responsible for defalcating a sum of Rs.9,16,728. The entire documents filed by the management do not show and are rather silent about the amount which was deposited by the workman. That in the circumstances the plea of the workman that due to his mistake committed in thoughtlessness of his mind, in the circumstances must be accepted. That the workman shouldered the responsibility of making good the loss caused to the Bank and accordingly he deposited the money in the Bank in instalments, which was accepted by the Bank. The learned D.R. submitted that if the loss of Rs. 9,16,728 is considered to be loss on account of mistake of the workman, why a loss of Rs. 53,465 only should be termed as a fraud committed by the workman. That it can be, therefore, safely concluded that the loss of Rs. 53,465 is included in Rs. 9,70,193 and it is a case of mistake and not fraud.

14. The workman has stated in his evidence and it has also been admitted by the M.Ws. that the workman was as signed huge duties since 1988 relating to Saving Bank Deposit, Current Deposit, Cash Credit, Over Draft, Fix Deposit etc. having the work of thirty ledgers. He was directed to look after entire deposit sections as a Clerk and a Supervisor at the same time. There is no gainsaying the fact that the workman was overburdened due to the job allotted to him. That in spite of all these constraints the workman managed the work allotted to him successfully. It was due to the sincerity and ability of the workman, that an appreciation letter was forwarded by the Branch Manager to the Regional Manager in 1995. This fact, however, have not been controverted by the Bank management.

15. The learned D.R. extending his argument submitted that in midst of the overburden the father of workman died due to heart attack. That after death of the father he got his three sisters married. Besides that he had also to look after his widow mother and two minor daughters. In course of the marriage of the sister he had incurred heavy expenses and as a result he had taken loans and naturally was mentally perturbed. That under this condition of thoughtlessness of his mind and some mental depression the workman committed some mistakes in course of discharge of his duties. Considering all these facts we are of the opinion that such depression due several types of worries is not unwarranted.

16. Pointing out to some glaring discrepancies in the domestic enquiry the learned D.R. submitted that the workman was never informed by the Bank management that the loss was caused not due to his mistake but due to his fraudulent acts. This goes to show that the management accepted the submissions of the workman. That in course

of cross-examination no suggestion was made by the learned representative of the management that the workman indulge in fraudulent activities causing financial loss to the Bank. That during the whole domestic enquiry not a single eye witness submitted that the workman indulged in fraudulent acts causing loss to the Bank. He further submitted that the Bank had forwarded the Account Opening Form and other papers to the handwriting expert for examining the handwriting on the Form. The handwriting expert did not submit any report to the effect that the handwriting were of the workman and withdrawals were made by him. He submitted further that due to all these reasons the domestic enquiry findings were perverse and without application of proper mind. That the order of dismissal has landed the workman to serious financial hardship as he has no other means of livelihood. That he has behind him his wife and two young unmarried daughters. That the workman committed some mistake but did not indulge in any fraudulent acts. The representative for the Bank could not meet the points raised by the learned D.R.

17. From consideration of the entire facts and circumstances of the case it is clear that in course of domestic enquiry a finding regarding loss of Rs. 53,465 only was given, though the workman admittedly deposited Rs. 9,70,193 in instalments on different dates. The Bank management has not been able to say as to why the workman was charged for defalcation of Rs. 53,465 only. The submission of the learned representative of the management that in view of the fact that the workman deposited Rs. 9,70,193 to the Bank it would be inferred that he had defalcated this entire amount cannot be accepted. The entire facts lead to the only conclusion that the workman had committed mistake causing the loss of a sum of Rs. 53,465 only, as he was over pressed with work.

18. Having regard to the fact that the workman was saddled with different types of work having to deal with thirty ledgers some mistakes might have been made by him in course of discharge of his duties. Considering the entire facts and circumstances of the case we are of the opinion that the punishment awarded to the workman by the management is not commensurate with the charges levelled against him. It is settled law and natural justice also demands that the punishment must be commensurate with the charge. In this regard we may refer to the Ruling of Hon'ble Supreme Court reported in Management of Federation of Indian Chambers of Commerce and Industry I's. R.K. Mittal (1971 II LLJ-630). It has been held that where the order of punishment was shockingly disproportionate with the act of misconduct of which no reasonable employer would ever impose in like circumstances, that itself would lead to the inference of victimization or unfair labour practice, which would vitiate the order of dismissal or discharge. The learned D.R. submitted that by enacting of Sec. 11A the legislature has transferred the discretion of the

employer imposing punishment to the adjudicator. It is now the satisfaction of the Industrial adjudicator to finally decide the quantum of punishment for proved act of misconduct in cases of discharge or dismissal. If the Tribunal is satisfied that the order of discharge or dismissal is not justified in any circumstances on the facts of the case it has the power not only to set aside the order of punishment and direct the reinstatement with back wages, but it has also the power to impose certain condition as it may deem fit and also to give relief to the workman including awarding of lesser punishment in lieu of discharge or dismissal.

19. On the basis of the law as laid down U/s. 11A of the I.D. Act it is clear that the Tribunal has the power to set aside the order of the punishment inflicted by the management.

20. In view of the foregoing discussion we are of the opinion that the action of the management of United Bank of India, Patna in awarding the punishment of dismissal to Shri B.P. Lal, Clerk-cum-Typist of Katihar Branch of United Bank of India for alleged involvement in fraud is not legal and justified. The punishment awarded to the workman is not commensurate with the charge levelled against the workman. We therefore, set aside the punishment of dismissal passed by the management of United Bank of India. The management is ordered to reinstate the workman Shri B.P. Lal with effect from the date of his dismissal with back wages. It is also ordered that there will be no payment of full salary and allowances for the period of his suspension save and except payment of subsistence allowance. The management is directed to reinstate Shri B.P. Lal after lowering down of two stages in his basic pay that he was getting at the time of his dismissal. The order must be complied within one month from the date of publication of this Award.

21. Award accordingly.

Dictated and Corrected by me.

OM PRAKASH SINHA, Presiding Officer.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 590.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संदर्भ में, नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम विभाग, चेन्नई के पंचाट (संदर्भ संख्या 102/2005) को प्रकाशित कर गये, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं. एल-33015/1/2005-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No. 102/2005) of the

Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Madras Port Trust and their workman, which was received by the Central Government on 09-01-2006.

[No. L-33015/1/2005-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 9th December, 2005

PRESENT : K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 102/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Madras Port Trust and their workmen)

BETWEEN

The General Secretary, : I Party/Claimant
Port & Dock Labour Union, Chennai.

AND

The Chairman, : II Party/Management
Madras Port Trust, Chennai.

APPEARANCE:

For the Claimant : None
For the Management : M/s. Dharani
Chander, Advocates

AWARD

The Central Government, Ministry of Labour vide order No. L-33015/1/2005-IR-(B-II) dated 14-9-2005 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

“Whether the action of the management of Madras Port Trust in reverting Shri G. Narayanasamy from the post of Master Grade II to the post of Peon and fixation of pay in the lower scale is legal and justified? If not, what relief is the disputant concerned entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No. 102/2005 and notices were issued to both the parties. The II Party/Management appeared through his advocate on the other hand, even though two notices were served on the Petitioner namely General Secretary, Port & Dock Labour Union, no one has appeared before this Tribunal either personally or through their advocate. Therefore, the Petitioner was called absent and set ex-parte and the II Party/Management was asked to file memo of objection.

3. The allegations in the memo of objection filed by the II Party/Management are briefly as follows:—

The dispute is not at all maintainable on the ground of delay and laches. Though the concerned employee namely Mr. G. Narayanasamy has worked as Master Grade II, II Party/Management has offered alternative employment as Peon to the concerned employee in the year 1986, since he was found unfit to carry out his duties of Master Grade II on account of his sub-standard vision in both eyes. The said employee has rightly accepted and he has served the post till his retirement. The said employee joined the Respondent/Management on 29-7-1963 as lascar grade II and subsequently promoted to Deck Tindal, Syrang and before his medical invalidation he worked as Master Grade II in marine department from 16-7-82. The Master Grade II is incharge of pilot launch, it take pilot and takes pilot on board and manoeuvre the launch along side the moving vessels to embark/disembark pilots on to/from ships. During night operations, the Master Grade II is excepted to carry out duties in meticulous manner at such times, the entire operation on Master concerned and in the event of Master having poor vision, the pilot launch manoeuvred by him may take conduct with the moving vessel and in the impact, the Master his crew numbering about three and the pilot officer will all get killed. Therefore, the concerned employee with a sub-standard vision cannot do the work of Master Grade II post. Further Master Grade II must undergo periodical medical check up as per medical rules of Chennai Port Trust. As per medical report dated 14-8-85, it was stated that concerned employee was unfit to continue as a Master Grade II since his eye sight has become failure under medical classification of A A2 prefix AB to sub-standard vision C C1. As per Section 110(1) of Chapter VIII of Chennai Port Trust medical manual, the Respondent/Management can discharge the concerned employee on medical grounds. But, however, on humanitarian consideration Respondent tried to put him in other category in the same department. But, unfortunately, he did not have requisite qualification for doing the some other jobs in the same department. Therefore, an alternative appointment in COS department as a peon was offered and the concerned employee has given his acceptance and joined the said post and joined on 19-2-86 in COS department as Peon. The concerned employee has voluntarily accepted the alternative employment and therefore, he cannot challenge the same after more than six years. Further, the drop in wages on account of alternative appointment was also made good by granting him a sum of Rs. 336.12 per month from the Madras Port Trust Employee's contributory loss in wages Compensation Scheme and he has received this Compensation till his superannuation. Therefore, he was also not lost any monetary benefits. Hence, for all these reasons, the Respondent prays to dismiss the claim with costs.

4. In such circumstances, the point for my determination is—

“To what relief the concerned employee is entitled?”

Point :

5. As I have already pointed out, the Petitioner has not appeared before this Tribunal to substantiate their claim namely the action of the II Party/Management in reverting the concerned employee Sri G. Narayanasamy from the post of Master Grade II to the post of Peon is not legal and justified. On the other hand, the Respondent contended that since the concerned employee had a poor vision and since there was no alternative employment to be given in the same department and since he has no requisite educational qualification for alternative employment in the same department, he was offered with the post of Peon in COS department and he has also accepted the offer and joined duty and there was no monetary loss in reverting him from the post of Master Grade II to Peon. Under such circumstances, after serving the post for more than six years, he cannot now claim that he has been reverted illegally, hence, this claim is not maintainable. As I have already pointed out since the Petitioner has not appeared before this Court to substantiate their claim, I find the concerned employee is not entitled to any relief as prayed for by the Petitioner Union.

6. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 9th December, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 13 जनवरी, 2006

का.आ. 591.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण/श्रम न्यायालय नं० -I, धनबाद के पंचाट (संदर्भ संख्या 1/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं. एल-12012/239/1997-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 591.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No. 1/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 as shown in the Annexure, in the Industrial Dispute between the management of UCO Bank and their workmen, received by the Central Government on 9-1-2006.

[No. L-12012/239/1997-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S. 10(1)(d)(2A) of I.D. Act

REFERENCE NO. 1 OF 1998

PARTIES : Employers in relation to the management of
UCO Bank.

AND

Their Workmen

PRESENT :

Shri Sarju Prasad, Presiding Officer

APPEARANCES :

For the Employers : Shri D. K. Verma, Advocate.

For the Workmen : Shri P. K. Singh, Concerned
Workman.

State : Jharkhand. Industry : Bank :

Dated, the 20th December, 2005

AWARD

By Order No. L-12012/239/97/IR-(B-II) dated 13-12-97 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of I.D. Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of UCO Bank, BERO, Ranchi in terminating the services of Sh. Pramod Kumar Singh, is legal and justified? If not, to what relief the said workman is entitled to?"

2. Shri D. K. Verma, Advocate, appearing on behalf of the management files a petition alongwith a copy of Award passed by the Central Govt. Industrial Tribunal No. 2, Dhanbad and submits that the same number of order from the Govt. of India was referred to Central Govt. Industrial Tribunal No. 2, Dhanbad and was registered as Reference No. 5 of 1998 which has already been decided by the said Tribunal, hence there is no need to proceed the matter in this Tribunal. The concerned workman, who is present today, has no objection on it.

In view of such circumstances there is no need to proceed with the matter here and the case is dropped.

SARJU PRASAD, Presiding Officer

ई दिल्ली, 13 जनवरी, 2006

का.आ. 592. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाद (संदर्भ संख्या 1/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं. एल-12012/305/94-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 592.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1/95) of the Industrial Tribunal-cum-Labour Court, Ajmer as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 09-01-2006.

[No. L-12012/305/94-IR (B-II)]

C. GANGADHARAN, Under Secy.

अनुबन्ध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर
(राज.)

पीठासीन अधिकारी:— श्री जी. एस. शेखावत, आर एच जे एस

प्रकरण सं.- सी आई टी आर 01/1995

(रेफरेंस नं. एल-12012/305/94 दिनांक 9 मार्च, 1995)

ओम प्रकाश शर्मा पुत्र

श्री नालाराम सनातन धर्मसभा,

स्टेशन रोड डीडवाना, जिला नागौर राज.प्राथी

बनाम

प्रबंध, यूको बैंक शाखा डीडवाना,
जिला नागौर (राज.)

....अप्राथी

उपस्थित : श्री एम. ए. चिश्ती,

विद्वान अधिवक्ता,प्राथी

श्री ओ.पी. बाहेली,

विद्वान अधिवक्ता,अप्राथी

दिनांक 7-12-2005

अवाई

केंद्र सरकार द्वारा प्रेषित विवाद निम्न प्रकार है:—

"Whether the action of the management of UCO Bank, Deedwana Distt. Nagaur in terminating the services of Sh. Om Prakash Sharma, casual workman w.e.f. January, 1991 is legal and justified? If not, what relief is the said workman entitled to?"

नोटिस के उपरांत उभयपक्ष उपस्थित आये। प्राथी ने क्लेम के विवरण में अंकित किया है कि प्राथी दैनिक वेतन भोगी कर्मचारी के रूप में प्रतिपक्षी बैंक की डीडवाना शाखा में सन् 1984 से कार्यरत था। प्रारंभ में कुछ समय के लिए पानी वाला के रूप में दर्शाया गया किंतु वास्तव में उससे एक चतुर्थ श्रेणी कर्मचारी के सभी कार्य करवाये गये। सन् 1984 में अभिलेख में कुछ महिने प्राथी को चौकीदार के रूप में दर्शाया गया। प्राथी ने निरंतर कार्य किया है। प्राथी से दिनांक 26-9-84 से चौकीदार

का कार्य लिया जाता रहा। सन् 1986 से प्रार्थी ने चपरासी के रूप में 446 दिन कार्य किया। एम्प्लॉयी फैडरेशन के साथ हुए समझौते तथा बैंक की नीति के अनुसार ऐसे सभी कर्मचारी जिसे समझौते की दि. 12-10-89 से पहले तीन साल में 240 दिन या अधिक दिन कार्य किया है वे सभी बैंको की स्थाई सेवा में समाविष्ट हुए थे। प्रार्थी भी समाविष्ट होने में सक्षम था किंतु प्रतिपक्षी द्वारा उचित सूचना नहीं भेजने से समाविष्ट होने से वंचित रहना पड़ा जबकि प्रार्थी से कनिष्ठ स्थाई सेवा में समाविष्ट हो गये। इस प्रकार प्रतिपक्षी ने पक्षपातपूर्ण रवैया अपनाया। प्रार्थी ने अनेक बार प्रतिपक्षी को लिखित निवेदन किया किंतु संतोषप्रद उत्तर नहीं मिला। अंत में प्रार्थी को उससे कनिष्ठ कर्मचारियों को नियुक्ति देने की तिथि से गत वेतन भत्तों सहित नियमित नियुक्ति के आदेश पारित करने की प्रार्थना की है।

प्रतिपक्षी ने उत्तर में अंकित किया है कि प्रार्थी पानी के बरतन और पानी का स्थान साफ करने तथा पानी भरने हेतु प्रारंभ में सन् 1981 में पचास पैसे प्रतिदिन उसके पश्चात् दो रु. प्रतिदिन और उसके पश्चात् पांच रु. प्रतिदिन पर रखा गया था जो निरंतर नहीं था। उसका कार्य समाप्त होते ही उसको रखना समाप्त कर दिया जाता था। उसका कार्य केवल बीस से तीस मिनट प्रतिदिन का था। प्रतिपक्षी नियोक्ता के यहां वाटर ब्याँय का कोई पद नहीं था। प्रार्थी की प्रतिदिन नयी नियुक्ति होती थी। अगस्त, सितंबर और अक्टूबर, 1984 में दो-तीन माह के लिए प्रार्थी को चौकीदार के कार्य पर डीडवाना शाखा के नव-निर्माण तक रखा गया। यह कार्य भी निश्चित उद्देश्यों और निश्चित अवधि के लिए अर्थात् तीन माह तक दस रु. प्रतिदिन का था। जैसे ही भवन का नव-निर्माण पूरा हुआ उसे हटा दिया गया। प्रार्थी ने दस वर्ष तक यह विवाद नहीं उठाया अतः विलंब से विवाद नहीं उठाया जा सकता। वॉटर ब्याँय और चौकीदार के प्रतिपक्षी बैंक के यहां कोई पद नहीं है। प्रार्थी के कार्य दिवसों की सूचना सहायक श्रम आयुक्त को दे दी गयी थी जिसकी प्रति अनेक्सचर-1 है। प्रबंधन और स्टाफ यूनियन के मध्य हुए समझौते दिनांक 12-10-89 को सरक्यूलर दिनांक 19-10-89 द्वारा सभी को सरक्यूलेट किया गया जिसका क्लॉज 2 के अनुसार वाटर ब्याँय को स्थाई रूप से समाविष्ट किये जाने का प्रावधान नहीं था। अंत में क्लेम निरस्त करने की प्रार्थना की है।

प्रार्थी ने अपने क्लेम की संपुष्टि में स्वयं का शपथ पत्र और रामचंद्र मूंदड़ा, रामनिवास पुरोहित के शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है। जबकि प्रतिपक्षी की ओर से श्री सागर मल गुप्ता, उप मुख्य अधिकारी का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है। प्रलेखीय साक्ष्य में प्रदर्श एम-1 से 55 प्रलेखों की प्रतियां प्रदर्शित करवाकर प्रस्तुत की है।

उभयपक्ष का श्रवण किया, पत्रावली का अवलोकन किया। प्रतिपक्षी के विद्वान अभिभाषक ने 1996 डीएनजे (राज.) 34 का दृष्टांत प्रस्तुत किया जिसका ससम्मान अध्ययन किया।

जहां तक प्रार्थी द्वारा सेवा समाप्ति जनवरी, 1991 से गत वर्ष में 240 दिन कार्य किये जाने के प्रश्न का संबंध है। प्रार्थी ने इस संबंध में कोई प्रलेखीय साक्ष्य प्रस्तुत नहीं की है। प्रार्थी के शपथ पत्र और प्रार्थी के साक्षियों के शपथ पत्र में भी कार्य के निश्चित दिवस को नहीं बताया गया

है। इसके विपरीत प्रतिपक्षी ने प्रदर्श एम-1 प्रस्तुत किया है, जिसके अनुसार प्रार्थी ने सभी 1990 में, जनवरी 90 में 17 दिन, फरवरी, 90 में 15 दिन, मार्च 90 में 23 दिन और अप्रैल, 90 में पांच दिन कार्य किया है। यह सत्य है कि प्रतिपक्षी के साक्षी ने अभिलेख के आधार पर साक्ष्य दी है और इस संबंध में उसकी कोई व्यक्तिगत जानकारी नहीं है। 240 दिन तक निरंतर कार्य करना सिद्ध करने का भार प्रार्थी पर है, जिसे उसने सिद्ध नहीं किया है।

जहां तक प्रार्थी की नियुक्ति की प्रकृति और प्रतिपक्षी के आदेश दिनांक 19-10-89 प्रदर्श एम-2 समझौते के अंतर्गत प्रार्थी को समाविष्ट किये जाने के प्रश्न का संबंध है, प्रतिपक्षी द्वारा प्रस्तुत प्रलेखों से स्पष्ट है कि प्रार्थी को पानी भरने के बदले में सूक्ष्म राशि का भुगतान किया जाता था जिसका उल्लेख प्रतिपक्षी के वाऊचर्स में है। अगस्त, सितंबर और अक्टूबर, 1984 में प्रार्थी को चौकीदार का कार्य करने का भुगतान किया गया। प्रतिपक्षी की शाखा में नव-निर्माण किये जाने पर प्रार्थी को एक निश्चित उद्देश्य और निश्चित अवधि के लिए चौकीदार का कार्य करने हेतु दस रु. प्रतिदिन की दर से लगाया गया था। प्रार्थी को कोई नियुक्ति पत्र नहीं दिया गया। प्रार्थी को आकस्मिक रूप से बीस-तीस मिनट तक कभी-कभी पानी भरने का कार्य करने से उसे कोई अधिकार प्राप्त नहीं होता। प्रार्थी द्वारा कभी-कभी कोई सामान बाजार से लाने पर उसका भुगतान प्राप्त करने से भी कोई अधिकार नहीं बनता। प्रार्थी द्वारा प्रस्तुत साक्षी रामचंद्र मूंदड़ा बैंक के सामने चाय की दुकान लगाता है और साक्षी रामनिवास बैंक का खातेदार होने के कारण बैंक में आने-जाने वाला व्यक्ति है। जिन्होंने कोई निश्चित साक्ष्य नहीं दी है। कभी-कभी चाय पीने आने से या रामनिवास खातेदार द्वारा बैंक में जाने पर प्रार्थी को कार्य करते देखने से यह निष्कर्ष नहीं निकाला जा सकता कि प्रार्थी नियमित रूप से दिन भर कार्य करता हो। प्रदर्श एम-2 प्रबंधन और तीन यूनियनों के मध्य का समझौता पत्र है जिसके क्लॉज-2ए निम्न प्रकार है :—“However, those who have been engaged as Water Boy on daily wage would not be eligible for being considered for absorption under this settlement.”

इस प्रकार इस समझौते के उक्त क्लॉज में ही यह स्पष्ट कर दिया था कि वॉटर ब्याँय के रूप में दैनिक वेतन भोगी स्थाई पद पर समाविष्ट का अधिकारी उक्त समझौते के अंतर्गत नहीं होगा। इस प्रकार प्रार्थी इस समझौते के अंतर्गत लाभ प्राप्त करने का अधिकारी नहीं है। अंत में मैं इस निष्कर्ष पर पहुंचता हूँ कि प्रार्थी की नियुक्ति छंटनी की श्रेणी में नहीं आती है और प्रार्थी समझौते के अंतर्गत कोई लाभ प्राप्त करने का अधिकारी नहीं है। इस प्रकार प्रार्थी का क्लेम निरस्त होने योग्य है।

आदेश

फलतः प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि यूको बैंक, डीडवाना, जिला नागौर राज. के प्रबंधन द्वारा प्रार्थी ओमप्रकाश शर्मा की सेवामुक्ति जनवरी, 1991 वैद्य एवं उचित है प्रार्थी कोई अनुतोप प्राप्त करने का अधिकारी नहीं है।

जी. एस. शेखावत, न्यायाधीश

नई दिल्ली, 13 जनवरी, 2006

का. आ. 593.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल बैंक आफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चैन्नई के पंचाट (संदर्भ संख्या 67/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-01-2006 को प्राप्त हुआ था।

[सं० एल-12012/64/2005-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 593.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 67/2005 of the Central Govt. Industrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India, and their workmen, received by the Central Government on 09-01-2006.

[No. L-12012/64/2005-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 25th November, 2005

PRESENT:

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 67/2005

(In the matter of dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Central Bank of India and their workman).

BETWEEN

Ms. S. Sudali : 1st Party/Petitioner

AND

The Regional Manager, : II Party/Management
Central Bank of India, Madurai.

APPEARANCE:

For the Petitioner : None

For the Management : M/s. T.S. Gopalan & Co.
Advocates

AWARD

The Central Government, Ministry of Labour vide Order No. L-12012/64/2005-IR (B-II) dated 22-08-2005 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is:—

“Whether the claim of Ms. S. Sudali for reinstatement into service with continuity of service with back wages and with all other attendant benefits against the management of Central Bank of India, Madurai is legal and justified? If not, to what relief the workman is entitled?”

2. After the receipt of the reference, it was taken on file as I.D. No. 67/2005 and notices were issued to both the parties. Even though two notices were issued to the Petitioner, the Petitioner has therefore, she was called absent and set ex-parte. On the other hand, the Respondent/Management entered appearance through their advocate and filed memo of objection.

3. In these circumstances the points for my determination are —

(i) “Whether the claim of reinstatement into service with attendant benefits against the Respondent/Management is legal and justified?”

(ii) “To what relief the Petitioner is entitled?”

Point Nos. 1 & 2 :

4. As I have already pointed out even though two notices were received by the Petitioner, she has not appeared before this Tribunal to put forth her claim. The Respondent/Management has filed memo of objecting stating that since the Petitioner has not entered appearance nor filed her Claim Statement, the Tribunal may Pass an award on merit holding that the Petitioner has not made out any claim and therefore, she is not entitled to any relief.

5. Since Petitioner has not appeared before this Tribunal and not filed her Claim Statement, I find the Petitioner has not established before this Court that she is entitled to reinstatement in service and also attendant benefits. Therefore, I find the petitioner is not entitled to any relief as claimed by her. No Costs.

6. Thus, the reference is disposed of accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th November, 2005).

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 13 जनवरी, 2006

का. आ. 594.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल बैंक आफ इण्डिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 93/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं० एल-12012/21/2002-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 594.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 93/2002) of the Central Govt. Industrial-Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of Central Bank of India, and their workman, which was received by the Central Government on 9-1-2006.

[No. L-12012/21/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA, Presiding Officer

I. D. No. 93/2002

Ref. No. L-12012/21/2002-IR (B-II) dated 2-5-2002

BETWEEN

Sri Raj Kumar Prasad
Village Swarupur, P.O. Chilmahar
Ballia, Distt. Ballia (U.P.) 277001

And

The Branch Manager
Central Bank of India
Nagpura Branch Ballia,
Ballia (U.P.) 277001

AWARD

Government of India, Ministry of Labour, New Delhi referred the following dispute. No. L-12012/21/2002-IR (B-II) dated 2-5-2002 for adjudication to Presiding Officer, CGIT-cum-Labour Court, Lucknow;

"WHETHER THE ACTION OF THE MANAGEMENT OF CENTRAL BANK OF INDIA IN TERMINATING THE SERVICES OF SRI RAJ KUMAR PRASAD w.e.f. 9-6-2001 AND NOT CONSIDERING HIM FOR FURTHER EMPLOYMENT IS LEGAL AND JUSTIFIED? IF NOT, WHAT RELIEF IS HE ENTITLED TO?"

The worker's case is that worker worked in following branches of Central Bank of India for the period mentioned against it.

- | | |
|---|--------------------------|
| 1. Chilkahar Branch Ballia
as part time Safaikarmchari | 24-1-90 to 30-12-95 |
| 2. Nagpura Branch Ballia
as part time Safaikarmchari | 06-1-97 to March 99 |
| 3. Nagpura Branch Ballia
as part time Safaikarmchari | 14-8-2000 to
8-6-2001 |

It is alleged that he was terminated firstly from Chilkahar Branch in violation of Section 25F of the I.D.

Act. Second time he was terminated from Nagpura Branch in March 1999 in violation of Section 25F of the I.D. Act and 3rd time he was terminated from Nagpura branch on 9-6-2001 in violation of (section 25F. Worker approached Nagpura branch after termination of service but with no result ultimately he espoused dispute before Asstt. Labour Commissioner (C) Allahabad. Worker has therefore prayed to hold that the termination w.e.f. 9-6-2001 is illegal and unjustified and court may award for absorption of the worker in the permanent services of the Bank.

The case of the opposite party is that Nagpura branch of the Central Bank of India is a Rural branch of medium size where Sri Raj Kumar Prasad was engaged as a casual labour on daily rated basis for fetching water and cleaning work and he did not hold any regular and permanent post in the bank in any cadre whatsoever. The engagement of the worker was dependant on the exigencies of work and its availability in the bank. It is further submitted that Raj Kumar Prasad was engaged for 2 or 3 hours in a day and he never worked as whole timer. Worker was never appointed by the bank on the post of Safai Karamchari in regular and permanent basis. The bank never issued any appointment letter or orders to Sri Raj Kumar Prasad, therefore the question of termination of his services also do not arise and there was no question for giving any appointment letter or any notice pay and compensation whatsoever to Sri Raj Kumar Prasad. It is also submitted that no such termination letter was issued to Sri Raj Kumar Prasad as he was never appointed. It is also submitted that Raj Kumar Prasad had never worked 240 working days in any calendar year or preceding 12 months in the bank. He has been paid for the actual days he worked in the branch. It is further alleged by the bank that Sri Raj Kumar Prasad discontinued casual job of his own accord for better engagement elsewhere. There is no employer-employee relationship between the bank and Sri Raj Kumar Prasad. The service conditions of the bank are not applicable on casual labour and casual labours are not entitled to get any benefit like regular and permanent employees of the bank. It is also submitted by the bank that there are set guidelines of the Government for recruitment for which candidates are sponsored by the Regional Employment Exchange, Tests/interview held only successful candidates absorbed thereafter. No deviation is permitted from these rules, Sri Raj Kumar Prasad was not subjected to such exercise and he has given a misstatement to misguide to Court. Sri Raj Kumar Prasad is trying to gain back door entry by way of litigation in contravention of these Government rules. The claim of the worker is not covered by Sections 25-B, 25-F, 25-G and 25-H of the I. D. Act, 1947. It is alleged that Sri Raj Kumar Prasad has not filed any documentary proof or particulars in the statement of claim whether he had actually worked on permanent and regular post in the bank or not. In absence of any documentary proof the contentions as mentioned in the statement of claim have become infructuous, bad in law and not maintainable. It is alleged that it is neither a case of

termination or retrenchment nor dismissal. He has got no claim for reinstatement or permanent absorption in the bank. It is also alleged that claim is belated and over stale and it is not maintainable. It is also alleged that the dispute is not tenable as it is beyond the jurisdiction of the Tribunal under I. D. Act, 1947 and this court can not hear and decide the claim of Sri Raj Kumar Prasad. It is submitted that "part-time Safai Karmchhari" has not been specified by the Central Government for adjudication in the present reference order. Hence, this issue can not be taken into consideration by the court. It is submitted that Sri Raj Kumar Prasad has not mentioned any formal letter of reference or appointment letter in his statement of claim. It is also alleged that Sri Raj Kumar Prasad had never worked continuously in the bank and had not completed 240 days in any calendar year or preceding 12 months in the bank. It is also alleged that the necessary parties like Anil Kumar and Chotey Lal etc. have not been impleaded by the worker and therefore the court can not hear and decide the matter of termination. When dealing with the cases of this type where a workman tries to take the protection of law for back door entry into public services or service of the bank. It is of vital importance in a country like India where there is large scale unemployment that we should not ignore infringing fundamental rights in the matter of equality of opportunity of youngmen who are entitled to seek equal opportunity in the matter of employment in nationalised bank. It is further stated that a person who thus gets into the regular employment in the bank not wholly based on considerations of merits and giving equality of opportunity in the matter of employment, if allowed to enter into regular service in the bank by his absorption in bank. It will entail infringement of equality of opportunity for youngmen in the country in the matter of seeking employment in the bank's services. It is further stated that the rights of that unknown class should not be forgotten when we deal with cases of this type and what is pressed before us is only the equality of person who is before the Labour Court/Tribunal. The Tribunal/Labour Court before issuing any directions in respect of such casual labour must not forget about the existence of that class of unemployment who are waiting for equal opportunity in the matter of employment so that their rights are not curtailed by such back door entry into bank's service.

It is pointed out that in accordance with Section 10 (4) of the I. D. Act, 1947, 9-6-2001 has been specified as the date of his alleged termination and therefore the court is to confine to 9-6-2001 and no other date. It is also submitted that the Regional Manager, Central Bank of India, Varanasi has not been impleaded as party in the present reference order as hence the reference order is bad in law and without jurisdiction. It is also submitted that the Sri Raj Kumar Prasad is gainfully engaged elsewhere hence he is not entitled to any relief.

It is also well settled that daily and casual workers who are engaged in disregard of all rules can not be allowed

to enter Government services through the back door and the Labour Court can not be allowed to be used as a legal means for such back door entry. It is settled that a person who has worked on daily basis or adhoc basis does not have any right to the post.

He can not claim regularization of his services merely because he has completed 240 days in services.

The management has submitted that for the following reasons Sri Raj Kumar Prasad neither entitled to reinstatement. It is not practicable nor possible for reinstatement him nor he is entitled any wages or relief/compensation whatsoever on the basis of present reference order.

The worker has filed rejoinder stating that bank submitted very lengthy written statement containing irrelevant matters repetative paragraph and arguments, therefore the contention in the entire written statement are denied. The worker has reiterated the facts alleged in the statement of claim.

Opposite party has filed the photo copy of the vouchers paper no. 12/2 to 12/40.

Sri Raj Kumar Prasad has filed his affidavit together with the photo copy of letter of General Manager, Central Bank of India dt. 4-10-90. Worker has been cross examined by the opposite party.

Opposite party has examined Sri A. B. Singh.

Parties have filled written argument.

Perused the written argument and evidence on record carefully.

The issue referred to this court is whether the action of the management of Central Bank of India in terminating the services of Sri Raj Kumar Prasad w. e. f. 9-6-01 and not considering him for employment is legal and justified.

It is pertinent to mention here that according to the worker allegations, he was engaged in Chilkhara branch at Ballia as part time Safai Karmchhari w. e. f. 24-1-90 to 30-12-95 and he was terminated thereafter and he was never engaged in the branch of Chilkhara any more. There is absolutely no issue for adjudicating the termination of the worker from Chilkhara branch w. e. f. 1-1-1996. If the worker had any grievance against the Chilkhara branch he ought to have raised the industrial dispute at that time. This court can not adjudicate the termination from Chilkhara branch of the bank after 30-12-95.

It is also pertinent to mention here that the worker has alleged that he was part time Safai Karmchhari w. e. f. 6-1-99 to March 99. It is observed from the pleadings that worker remained unemployed thereafter till 13-8-2000. Worker has not mentioned the specific date of March 99 when he was terminated from the Nagpura branch. There is no issue for adjudication before me for adjudicating the termination from service from Nagpura branch w. e. f. March, 1999.

As already mentioned above the issue for adjudication is whether the action of the management of terminating the services of Sri Raj Kumar Prasad w. e. f. 9-6-01 is legal and justified. The management has pleaded in para 129 of the written statement that in accordance with Section 10 (4) of the I. D. Act, 1947, 9-6-01 has been specified as a date of his alleged termination therefore we have to confine to 9-6-01 and no other date..

Section 10 (4) reads as under:

"Where in an order referring an industrial dispute (to a Labour Court, Tribunal or National Tribunal) under this section or in subsequent order, the appropriate Government has specified the points of dispute for adjudication (the Labour Court or the National Tribunal, as the case may be) shall confine its adjudication to those points and matters incidental thereto."

In the circumstances this court is legally bound to adjudicate the termination referred by the Government.

In paras 8 to 11 of the statement of claim the worker has alleged that he was appointed as Safai Karmchari-cum-water boy on 14-8-2000 and he worked till 8-6-01 when his services were terminated w. e. f. 9-6-01. In the circumstances sections 25-B, 25-F of the I. D. Act are relevant which are reproduced as under:

25B Definition of continuous service :— For the purposes of this Chapter—

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman.

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or 6 months he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of 12 calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than —

(i) ninety five days in the case of workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case.

Explanation : For the purposes of clause (2) the number of days on which a workman has actually worked under an employer shall include the days on which—

(i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) or under the Act or under any other law applicable to the industrial establishment.

(ii) he has been on leave with full wages, earned in the previous years;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment, and

(iv) in the case of a female, she has been on maternity leave, so, however, that the total period of such maternity leave does not exceed twelve weeks.

25F. Conditions precedent to retrenchment of workers :—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

(b) the workman has been paid at the time of retrenchment compensation which shall be equivalent to 15 days average pay (for every completed year of continuous service) or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government (for such authority as may be specified by the appropriate Government by notification in the Official Gazette).

The conditions precedent for the workman is that the workman should be in continuous service of one year immediately before the date of termination and the continuous service have been defined in section 25-F and in the present case it is 240 days. The worker is therefore prove that he worked continuously for 12 months preceding the date of his termination and that in 12 months he has worked for 240 days.

According to own allegations of the worker the worker was not in employment in June and July of the year 2000 and he entered into the service of Nagpura branch of the Bank on 14-8-2000. Thus, the worker has not compl

one year's continuous service before his termination. However, in the given circumstances the worker has to prove that he has worked for 240 days preceding his termination within 12 months.

The worker has filed affidavit in support of his case i.e. paper No. 16/2 the paras 12 and 13 of the said affidavit are relevant to the facts of this case which are re-produced below :

I say that I have worked for 223 days (on the following dates) during the above period from 14-8-2000 to 8-6-2001 :—

@ Rs. 30/-per day

14-8-2000 to 19-8-2000	— 5 days
21-8-2000 to 26-8-2000	— 5 days
28-8-2000 to 02-9-2000	— 6 days
04-9-2000 to 09-9-2000	— 6 days
11-9-2000 to 16-9-2000	— 6 days
18-9-2000 to 23-9-2000	— 6 days
25-9-2000 to 3-10-2000	— 7 days
03-10-2000 to 5-10-2000	— 2 days
9-10-2000 to 14-10-2000	— 6 days
23-10-2000 to 28-10-2000	— 4 days
6-11-2000 to 10-11-2000	— 5 days
13-11-2000 to 18-11-2000	— 6 days
20-11-2000 to 25-11-2000	— 5 days
27-11-2000 to 2-12-2000	— 6 days
4-12-2000 to 9-12-2000	— 6 days
18-12-2000 to 23-12-2000	— 6 days
16-12-2000 to 23-12-2000	— 4 days
1-1-2001 to 6-1-2001	— 6 days
8-1-2001 to 13-1-2001	— 6 days
15-1-2001 to 20-1-2001	— 6 days
22-1-2001 to 27-1-2001	— 5 days
29-1-2001 to 3-2-2001	— 6 days
5-2-2001 to 10-2-2001	— 6 days
12-2-2001 to 17-2-2001	— 6 days
19-2-2001 to 24-2-2001	— 5 days

@ Rs. 35/-per day

26-02-2001 to 03-03-2001	— 6 days
05-03-2001 to 08-03-2001	— 3 days
12-03-2001 to 17-03-2001	— 6 days
19-03-2001 to 24-03-2001	— 6 days
26-03-2001 to 31-03-2001	— 6 days
01-04-2001 to 07-04-2001	— 5 days
09-04-2001 to 12-04-2001	— 4 days
16-04-2001 to 21-04-2001	— 6 days
23-04-2001 to 28-04-2001	— 6 days
30-04-2001 to 05-05-2001	— 6 days
08-05-2001 to 12-05-2001	— 5 days
14-05-2001 to 19-05-2001	— 6 days
21-05-2001 to 26-05-2001	— 6 days
28-05-2001 to 02-06-2001	— 6 days

04-06-2001 to 09-06-2001	— 5 days
11-06-2001 to 16-06-2001	— 6 days
Total days worked	— 223 days

13. I say that in addition to the above working days I was also paid an additional amount of Rs. 25/- per day for the work of Daftari that was taken from me on the following dates :—

11-07-2000 for 2 days
01-11-2000 for 1 day
26-12-2000 for 1 day
11-01-2000 for 1 day
12-01-2000 for 1 day
16-01-2000 for 1 day
18-01-2000 for 4 days
12-03-2000 for 3 days
15-07-2000 for 2 days in the name of Rajesh Kumar
22-07-2000 for 1 day in the name of Raj Kumar Prasad
13-01-2001 for 2 days in the name of Anil Kumar.

In para 13 of the affidavit worker has tried to prove that he worked as Daftari and was paid additional amount of Rs. 25/- per day on 11-7-2000. It is noteworthy that worker has not pleaded in his statement of claim that he worked in Nagpura branch on 11-7-2000. Therefore, this evidence is beyond the pleadings and cannot be looked into.

Worker has pleaded in his statement of claim that he worked upto 8-6-2000 and thereafter he was terminated w. e. f. 9-6-2001 but in para 12 of the affidavit at page 4 the worker has tried to state that he worked w. e. f. 4-6-2001 to 9-6-2001 for 5 days and 11-6-01 to 16-6-01 for 6 days. In the circumstances the affidavit sofar as it relates to working on 9-6-2001 to 16-6-01 is beyond the pleading.

The management has filed all vouchers with list A2-12 which are paper Nos. 12/2 to 12/40. I have scrutinised the vouchers on record and find that vouchers pertain to 202 working days.

Worker by his affidavit has tried to establish that he has worked from 25-9-2000 to 3-10-2000. There is no such voucher available on the record by which it could be said that worker did worked from 25-9-2000 to 3-10-2000. In fact on 3-10-2000 the day on which he was paid for his work on 5-10-2000, worker was paid Rs. 150/- for purchase of sugar and 5 lt. Kerosene oil. Similarly there is no voucher for 16-12-2000 to 23-12-2000 actual payment voucher which has been filed by the management is paper No. 12/18 which relates to 18-12-2000 to 23-12-2000.

Workers statement on affidavit that he worked for 223 days in para 12 is false.

Worker has admitted in his affidavit in para 14 that he was not paid any wages for sundays or even National holidays that fell between 14-8-2000 to 8-6-2001. He has also stated in para 22 of the affidavit that he had worked

continuously and his total working days including sundays is 265 days. In para 23 of the affidavit he has stated there were 42 sundays between period 14-8-2000 to 9-6-01 but he was not paid wages for these days. In para 24 of the affidavit he has stated there were 14 holidays for which days also no payment was made to him.

It is admitted in the affidavit that he was on daily wages and paid Rs.30/- per day and thereafter daily wages were increased to Rs.35/- per day. It is not mentioned anywhere that there was any attendance register maintained for his attendance. It is also admitted fact that there was no appointment letter for his appointment. It is also admitted fact that the worker's brother Sri Anil Kumar is already employee in the Central Bank of India branch Ratanpura for last 10 years. Worker has admitted this fact in the cross-examination is that his wages are not due over the opposite party.

Worker has stated in para 12 of the cross examination that there are holidays in the banks and he was availing the holidays but he was not paid for that period. It is also admitted fact that there was no interview and test before his engagement. There is also no written termination order.

In the circumstances it is well established that the worker was engaged as casual labour. It is very specifically clear that worker was not a regular employee which entitled him wages for sundays and holidays. Sri A.B. Singh management witness has clearly stated that Sri Raj Kumar Prasad was never engaged on full time basis in the bank and he also did not work on permanent or regular post. He has gone on to say that there was no test and interview conducted before his engagement nor his name was sponsored by Employment Exchange.

I have perused 2005 Supreme Court Cases (L&S) 609 Manager, Reserve Bank of India, Bangalore Vs S. Mani and Others. This principle has been laid down in the said case law that initial burden of prove was on the workman to show that he had completed 240 days of wages. Filing of affidavit is only his own statement in his favour and that can not be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had worked for 240 days in a year. Such evidence might include proof of receipt of wages for 240 days or order or record of appointment of engagement of this period. Terms and conditions of his offer of appointment as by examination of any other witness in support of his case.

Worker has to prove that he worked 240 days continuously and was paid wages for 240 days. Workman has failed to prove in the instant case that he was paid the wages for 240 days.

The written argument contains in para 4 of worker's written argument that since there was no binding upon the workman regarding attendance and there was no timing of his coming and going as stated on behalf of the management is to how the working period (actual days) has being calculated by the management and on which

basis salary was being paid to the concerned workman. However in para 14 it has been stated that the concerned workman has been made payment for the actual days he worked or was engaged in branch on daily wages and casual labour, while no attendance register or muster roll has never been produced by the management before the Tribunal. The workman has cited case law of H.D. Singh Vs Reserve Bank of India in (1985) 4 SCC 201.

The Hon'ble Supreme Court in Case law 2005 Supreme Court Cases (L&S) 609 has distinguished H.D. Singh Vs Reserve Bank of India (1985) 4 SCC 201: 1985 SCC (L&S) 975 Hon'ble Supreme Court has held that only because the employer has failed to prove his plea of abandonment of the service by the worker, the same case law can not be taken circumstances that respondents has proved their case. Meaning thereby the worker has to prove in all its certainty that he worked for 240 days in a year and he was paid wages for 240 days. Worker has filed no document in support of his case that he worked for 240 days. On the other hand the employer has filed certified photo copy of the vouchers pertaining to the payment to the worker.

Worker has not summoned the attendance register and he has not stated in the evidence that he was subjected to daily attendance and therefore it was not obligatory for the management to produce the attendance register.

If it is settled law that initial burden to prove as on the workman to show that he has completed 240 days of service and court has to considered this.

The Hon'ble Supreme Court in case law 2005 SCC (L&S) 609 Manager, Reserve Bank of India, Bangalore Vs S. Mani and others referred the case law Range Forest Officer Vs S.T. Hadimani it is stated SCC page 26 para 3;

"In our opinion the Tribunal was not right in placing the onus on the management without first determining on the basis of cogent evidence that the respondent had worked for more than 240 days in the year preceding his termination. It was the case of the claimant that he had so worked but this claim was denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order of record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside."

The Hon'ble Supreme Court in the above case law has also referred the case of Sri Niwas which is reproduced:

"The provisions of the Evidence Act, 1872 per se are not applicable in an industrial adjudication. The

general principles of it are, however, applicable. It is also imperative for the Industrial Tribunal to see that the principles of natural justice are complied with. The burden of proof was on the respondent workman herein to show that he had worked for 240 days in the preceding twelve months prior to his alleged retrenchment. In terms of Section 25-F of the I.D. Act, 1947, an order retrenching a workman would not be effective unless the conditions precedent therefore are satisfied. Section 25-F postulates the following conditions to be fulfilled by an employer for effecting a valid retrenchment;

- (i) One month's notice in writing indicating the reasons for retrenchment or wages in lieu thereof;
- (ii) Payment of compensation equivalent to fifteen days average pay for every completed year or continuous service or any part thereof in excess of six months."

As noticed hereinbefore, the burden of proof was on the workman. From the award it does not appear that the workman adduced any evidence whatsoever in support of his contention that he complied with the requirements of Section 25-F of the I.D. Act. Apart from examining himself in support of his contention he did not produce or call for any document from the office of the appellant herein including the muster rolls. It is improbable that a person working in a local authority would not be in possession of any documentary evidence to support his claim before the Tribunal. Apart from muster rolls he could have shown the terms and conditions of his offer of appointment and the remuneration received by him for working during the aforementioned period. He did not even examine any other witness in support of his case. Yet again in *Hariram* it was opined (SCC p. 250 para 10) :

We cannot but bear in mind the fact that the initial burden of establishing the factum of their continuous work for 240 days in a year rests with the respondent applicants.

From the evidence it is proved that Raj Kumar Prasad was not appointed by the bank on the post of Safai Karmchhari in regular and permanent basis. It is also proved that he was not appointed on adhoc basis on monthly payment.

The argument on behalf of the management is that Sri Raj Kumar Prasad has been made payment for actual days he has worked/engaged in the branch on daily wages and as casual labour. It is also argued that Raj Kumar Prasad discontinued casual job on his own accord for better engagement elsewhere. There was never any employer employee relationship between bank and worker Raj Kumar Prasad and the service conditions of the Bank are not applicable on casual labours. It is also mentioned in the argument that recruitment in the bank is done as per the set guidelines of the Government, vide which candidates are

sponsored by the Regional Employment Exchange, test/ interview held and only successful candidates are absorbed thereafter and no deviation is permitted from these rules, Sri Raj Kumar Prasad was not subjected to such exercise and he has given a mis-statement to misguide the Tribunal. Sri Raj Kumar Prasad was never sponsored by Regional Employment Exchange and was not interviewed by any interview panel as per the laid down procedures. Hence there is no question of absorption of worker as Safai Karmchhari on permanent basis in the bank. It is further argued that Sri Raj Kumar Prasad is merely trying to gain back door entry by way of litigation in contravention of these Government rules. Sri Raj Kumar Prasad was engaged according to the bank's exigencies is not covered by the bank awards and settlements. It has pointed out by the management that Sri Raj Kumar Prasad has not filed any documentary proof or particulars in the statement of claim whether he had actually worked on permanent and regular post in the bank or not. In absence of any documentary proof, the contentions as mentioned in the statement of claim have become infructuous bad in law and not maintainable. Different breaks in his casual job was due to the reasons that Sri Raj Kumar Prasad himself did not turnup for casual job on such days it was due to the own fault of worker and no action was taken as his name was not on the muster roll nor did he occupy any regular post in the bank in any cadre whatsoever. Sri Raj Kumar Prasad had no lien or right on any regular and permanent post in the bank. The argument of the management is that whenever there was work of casual nature Sri Raj Kumar Prasad was engaged only for the days on which there was a work.

It is noteworthy that the parties have not filed any case law in support of their argument. It is no doubt true that banks are under obligation to follow guidelines for fulfilling the vacancies in the banks. It is only to meet the exigencies of work, the Branch Manager is expected to hire labour from the market casually to meet the requirement naturally the need shall be when the bank is working such, had casual labour who are paid for the days he worked. Such casual labours can not claim payment of Sundays and holidays when the banks are closed. Furthermore such casual labours are not monthly paid workers. If a person is monthly paid then Sundays and holidays are calculated in the salary. Whereas in the case of daily wager when they are paid for daily casual work can not equated themselves with the monthly paid labourers.

In the above circumstances I am of the considered opinion that the worker was to prove by satisfactory evidence that he worked 240 days before his disengagement from the bank and he has utterly failed to prove it. In the circumstances there is no violation of any provision of I.D. Act, 1947 as alleged by the worker. The workers intention is to claim back door entry in the bank which can not be allowed.

I, therefore come to the conclusion that the disengagement of the worker w.e.f. 9-6-01 is not illegal and unjustified. It is also noteworthy the management has not been able to prove that worker himself left the job but for the success of the claim of the workman it was obligatory on the part of the workman to prove that he worked 240 days continuously prior to his disengagement within 12 calendar months. The issue is therefore answered against the workman. I also come to the conclusion that the worker is not entitled to any relief whatsoever.

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 13 जनवरी, 2006

का. आ. 595.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इरनाकुलम के पंचाट (संदर्भ संख्या 4/2005 और 5/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-01-2006 को प्राप्त हुआ था।

[सं० एल-12011/132/2004-आईआर (बी-II);

एल.-12011/133/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 595.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/2005 & 5/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of Canara Bank and their workmen, received by the Central Government on 09-01-2006.

[Nos. L-12011/132/2004-IR (B-II);

L-12011/133/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P.L. Norbert, B.A., LL.B., Presiding Officer

(Friday the 30th day of December, 2005/

09th Pousham 1927)

I.D. 4 of 2005 & I.D. 5 of 2005

I.D. 4/2005

Workmen : Smt. A. Bindu
Represented by the State Secretary,
Canara Bank Employees' Union,
P. Balakrishna Menon Smarakom,
Ambujavilasam Road,
Thiruvananthapuram-695 001.

By Advocate Shri Renjith Thampan

Management : The General Manager,
Canara Bank,
Circle Office, Spencer Junction,
M.G. Road,
Thiruvananthapuram-695 001.

Chairman

By Advocate Shri M.P Sreekrishnan.

I.D. 5/2005

Workmen : Smt. P. K. Ammukutty
Represented by the State Secretary
Canara Bank Employees Union
P. Balakrishna Menon Smarakom,
Ambujavilasam Road,
Thiruvananthapuram-695 001.

By Advocate Shri Renjith Thampan

Management : The General Manager,
Canara Bank,
Circle Office, Spencer Junction,
M.G. Road,
Thiruvananthapuram-695001.

Chairman

By Advocate Shri M.P Sreekrishnan.

AWARD

These are references made by Central Government under Section 10 (1)(d) and (2A) of Industrial Disputes Act, 1947 to the Industrial Tribunal, Palakkad and were later transferred to this Court as per order of the Hon'ble High Court of Kerala vide Writ Petition No. 10997/2005 dated 22-7-2005. Since facts and evidence are common they are jointly tried and evidence is adduced in I.D. 4/2005.

2. The facts in brief in these cases are as follows:—

I.D. 4/2005:

The dispute referred is:—

“Whether the demand of the Canara Bank Employees' Union before the management of Canara Bank to absorb Smt. A. Bindu, Temporary Part-time Employee in the regular vacancy of part-time employee is proper and justified? If not, what other relief the workman is entitled to?”

3. The Union filed a claim statement contending as follows:—

On 1-9-2002 a permanent vacancy of a part-time sweeper arose in Mangalam Dam Branch of Canara Bank. Smt. A. Bindu was engaged as part-time sweeper temporarily. She worked as part-time sweeper till 31-3-2004. She was given wages. Her signature was obtained in Daily Wage Register of Bank. She worked continuously for a period of 500 days. She was also paid bonus. As per the procedure followed by the bank, part-time sweepers

engaged on daily wages in leave vacancies were regularized whenever permanent vacancies arose. This was the practice followed in Ollur branch in respect of one Smt. C.A. Liza, in Kodungallur branch in respect of Smt. Savitri, in Kunnumkulam branch in respect of Smt. Rosa. The procedure of sponsoring candidates from Employment Exchange came into force only in 2004. Even prior to 1-9-2002 Smt. Bindu was officiating in leave vacancy of PTE. In 2004 the management attempted to fill up the permanent vacancy of part-time sweeper through Employment Exchange. This was in violation of the practice followed by the bank denying the right of Smt. Bindu for regularization in the post. It is an unfair labour practice.

4. The management filed written statement contending that the reference itself is not maintainable. Smt. Bindu was not an employee of Canara Bank. She was engaged by her mother-in-law Smt. Kunjithai whenever the latter was on leave. This will not confer any right on Smt. Bindu. The bank has regular recruitment process. A permanent vacancy of PTE arose in Mangalam Dam branch of the Bank consequent to the retirement of Smt. Kunjithai. Smt. Bindu was over-aged as per norms for recruitment. Since Smt. Bindu was not an employee of the bank there is no question of termination of her service. The mere fact that she was paid wages and bonus will not give her any right for regularization. There is no unfair labour practice or violation of any industrial law.

5. I.D. 5/2005

The dispute referred is :—

“Whether the demand of the Canara Bank Employees’ Union before the management of Canara Bank to absorb Smt. P.K. Ammukutty, Temporary Part-time Employee in the regular vacancy of part-time employee is proper and justified? If not, what other relief the workman is entitled to?”

The Union filed a claim statement contending that a permanent vacancy of part-time sweeper in Sreekrishnapuram branch of Canara Bank arose in June, 2003 consequent to the retirement of Smt. O. Janaki. From 1-6-2003 till 3-2-2004 Smt. P.K. Ammukutty was working continuously in the permanent vacancy. She was given wages and bonus and was asked to sign in Daily Wage Register. The bank has been following the procedure of regularizing temporary part-time sweepers who were working in leave vacancies, in permanent posts of PTE. There are several such instances in different branches of Canara Bank, namely, Ollur, Kodungallur, Kunnumkulam etc. Smt. Ammukutty was terminated from service in violation of provisions of Industrial Disputes Act. She is entitled to be regularized. She belongs to OBC community. In 2004 the permanent vacancy was filled up by Employment Exchange candidate on temporary basis. The action of the bank amounts to an unfair labour practice.

6. The management filed written statement contending that Smt. Ammukutty was not an employee of Canara Bank. There is no employer-employee relationship between the two. Whenever the permanent PTE went on leave she used to engage Smt. Ammukutty as a substitute. On such occasions Smt. Ammukutty was paid wages and bonus. But that will not confer any specific right on her for the purpose of regular employment. Since she was not an employee of the bank there is no question of termination of her service. Smt. Ammukutty did not conform to the recruitment norms of the bank and she was over-aged. An Employment Exchange hand is already appointed in the PTE vacancy. There is no unfair labour practice or violation of provisions of Industrial Disputes Act.

7. In the light of the above pleadings the following points arise for consideration.

- (1) Is the reference maintainable?
- (2) What, if any, is the right that temporary PTEs have acquired during their service in the bank?
- (3) Are they entitled to be regularized?
- (4) Reliefs and costs.

8. The evidence consists of oral testimony of WW1 and MW1 and documentary evidence of Exts. W1 to W3 and Exts. M1 to M7.

9. Point No. 1:

Though the management has raised a plea that the reference is not maintainable, no reasons are stated. This aspect was also not pursued during evidence or argument. It has therefore to be presumed that the bank is not serious to pursue the contention. Even otherwise I do not find any infirmity in the reference or reason to say that the reference is not maintainable. Point is answered against the management.

10. Points No. 2 & 3:

Smt. A. Bindu was working in the leave vacancy of permanent PTE, Smt. Kunjithai from 11-8-2001 onwards in Mangalam Dam branch in Palakkad District. Smt. Kunjithai is the mother-in-law of Smt. Bindu. The former retired on 31-8-2002. Smt. Bindu worked as Daily Wager in the permanent PTE post from 1-9-2002 to 28-2-2004. Thereafter, different persons are being engaged to do the work of part-time sweeper.

11. Smt. P.K. Ammukutty was working in the leave vacancy of Smt. Janaki (PTE) from 1978 onwards in Sreekrishnapuram branch in Palakkad District. Smt. Janaki retired on 31-5-2003. In that vacancy Smt. Ammukutty was engaged from 1-6-2003 to 24-2-2004 on daily wage basis. Thereafter, another person, from Employment Exchange was appointed.

12. According to the claimants, they have been working for a long time as part-time sweepers in leave vacancies and in permanent vacancies that arose

subsequently in Mangalam Dam and Sroekrishnapuram branches. But, they are not regularized though similar persons in different branches were absorbed in permanent vacancies. According to the management, as per bank recruitment norms the above two persons were over-aged at the time when permanent vacancies arose. Besides, as per bank regulation the permanent vacancies are to be filled up by calling candidates from Employment Exchange.

13. There are 3 categories of PTEs in Canara Bank. Their scales are 1/3rd, 1/2 & 3/4th Ext. M5 are the norms published by the bank in 1993 regarding recruitment of PTEs. Ext. M6 is revised norms regarding filling up of vacancies in different categories of PTEs. As per Ext. M5, the age limit for general candidates who are engaged on daily wage basis is between 18-22 years. For absorption in permanent vacancy of PTE the age limit for general candidates is between 18-26 years. However the age criterias can be relaxed by DGM of the Circle of the Bank. There is no minimum educational qualification and the maximum educational qualification is 5th standard. Page 2 of Ext. M5, clause 'e' says that it is not necessary to approach Employment Exchange for sponsoring candidates to fill up PTE vacancy at rural/semi-urban branches. Ext. M6 contains the norms regarding upward movement of PTEs. It says that as per the procedure in vogue the vacancies of PTE in a branch is being filled by considering the candidature of persons working in leave vacancies provided he/she has worked for a sufficiently long period of time and conforms to the norms. In deserving cases the norms are being relaxed for regularization. It also provides that in branches where there are more than one PTE in different scales 1/3rd, 1/2 & 3/4th then in case of vacancy in 3/4 scale it is to be filled up by upward movement of persons from 1/2 scale to 3/4th and vacancies in 1/2 scale is to be filled by upward movement of persons from 1/3rd scale. The consequential vacancy in 1/3rd scale is to be filled either by engaging persons working in leave vacancy or by direct recruitment from Employment Exchange. Ext. M6, page 2, clauses 'a' to 'c' refer to the abovementioned procedure. However Ext. M6 does not contain guidelines regarding regular recruitment process for filling up vacancy in 1/3rd scale. It is contained only in Ext. M5 norms. Ext. M6 was issued on the basis of a Joint Conference of Representatives of Management and Bank Employees (Ext. M7). It is admitted by MW1 the management representative that regular recruitment process is contained in Ext. M5 only and not in Ext. M6. Thus, Exts. M5 & M6 are the guidelines/norms for filling up vacancies in different scales of PTEs in the permanent vacancies as well as temporary vacancies. The objection of the bank for regularization of Smt. Bindu and Smt. Ammukutty in 1/3rd scale of PTEs is mainly two-fold, (1) age bar (2) Employment Exchange persons alone can be recruited.

14. So far as Smt. Bindu is concerned, she has been working intermittently in leave vacancies from 11-8-2001

onwards. The permanent vacancy of PTE arose on 1-9-2002. She worked in that vacancy from 1-9-2002 to 28-2-2004. If bank had insisted to go by Ext. M5 norms for regularizing Smt. Bindu in the permanent PTE vacancy there was age bar. Her date of birth is 16-3-1976. As on 1-9-2002 she was aged 26 years and 6 months. But even for engaging her on daily wage basis the age limit was 22 years (see para 13). Smt. Bindu had crossed that age as on 1-9-2002 and bank could not have allowed her to work in that vacancy even as a temporary part-time sweeper as per Ext. M5. But bank did not follow Ext. M5 and engaged Smt. Bindu in the permanent post without regularizing her. If the bank had not followed Ext. M5 norms for engaging her on daily wage basis in the permanent post on 1-9-2002 there is no justification in invoking the same norms for considering her candidature for regularization. While clause 1, first portion of Ext. M5 refers to engagement of PTE on daily wage basis, the second portion refers to absorption in the permanent post of PTE. The bank cannot accept the norms at one time and reject it at another time according to their whims and fancies. It is clear from Ext. M6, 1st page itself that the practice of the bank in filling up of permanent vacancy in 1/3rd scale of PTE is by absorbing persons who has been working in leave vacancies for a sufficiently long time and who are free from any adverse remarks. It is also mentioned that in deserving cases the criteria with regard to age and qualification can be relaxed (by DGM). This is a fit case in which the management can exercise their discretion to relax the age criteria because the bank has no case that the character and antecedents of Smt. Bindu are unsatisfactory or her work is not satisfactory. There are instances in which persons working in leave vacancies were regularized as and when permanent vacancy arose. Ext. W1 to 3 are such instances. Ext. W1 are proceedings of the bank regarding appointment of Smt. Teresa who was working in leave vacancy in the permanent vacancy of PTE in Trichur main branch and Daily Wage Register of that branch. Similarly, as per Ext. W2 (Appointment Order and Daily Wage Register) Smt. Savitri of Kodungallur branch, working in leave vacancy, was regularized in the permanent vacancy. As per Ext. W3, Smt. Liza of Olhur Branch was regularized. The argument of the learned counsel for the management is that these vacancies had arisen prior to 1-10-2000 and hence Ext. M6 norms were not applicable in their cases. No doubt, Ext. M6 norms were made applicable with regard to vacancies that arose on or after 1-10-2000. But, in the case of Smt. Teresa of Trichur main branch, the vacancy arose after 1-10-2000. Still she was regularized. However, it is to be noted that Ext. M6 is not the norms that are applicable for filling up regular vacancies in 1/3rd scale of PTE. Ext. M6 is regarding the upgradation/upward movement of PTE from 1/3rd scale to 1/2 scale and 1/2 scale to 3/4th scale. The vacancy in last scale, i.e. 1/3rd scale is to be filled up as per Ext. M5 norms. Therefore, while regularizing Smt. Teresa, Savitri and Liza, the norms that were applicable

were Ext. M5. As per that there was age limit for them too. Smt. Teresa and Savitri were aged 40 years at the time of vacancy and regularization. So far as Smt. Liza is concerned, no document is produced either by union or management to show her age. Thus the bank had not followed Ext. M5 guidelines for filling up the permanent vacancy in 1/3rd scale. Besides, Ext. M6 1st page refers to the practice followed by the bank in absorbing PTEs working in leave vacancies, in permanent vacancies. There is no reason or justification in striking a different note in the case of Smt. Bindu with regard to age bar.

15. The contention of the management that candidates from Employment Exchange alone can be considered for regularization in the permanent vacancy of PTE also has no legs to stand. Ext. M5, page 2, clause 'e' clarifies the position. It is mentioned that it is not necessary to call for candidates from Employment Exchange for filling up PTE vacancy in rural/semi-urban branches. Let me say at the risk of repetition that the contention of the bank that the guidelines for recruitment to PTE permanent vacancy is as per procedure mentioned in Ext. M6 is misconceived. It is regarding promotion to higher scales from 1/3rd scale (to 1/2 and 3/4th scales). The consequential vacancy in 1/3rd scale is to be filled up by regular recruitment process (Ext. M5). Clause 'e' of Ext. M6 reads:—

"The consequential vacancies in 1/3rd scale is to be filled up by regular recruitment process (relevant portion)".

The regular recruitment process is admittedly contained in Ext. M5.

16. In the light of the procedure mentioned in Exts. M5 & M6 and the practice of the bank evidenced by documents Exts. W1 to 3 and in view of the fact that there are no adverse remarks against Smt. Bindu, there is no justification in not absorbing her in the permanent post of PTE in Mangalam Dam branch.

17. The case of Smt. Ammukutty of Sreekrishnapuram branch is not different. She has been working in leave vacancies from 1-2-1978 onwards. A permanent vacancy arose on 1-6-2003. Since then till 24-2-2004 she worked as daily wager in the permanent post without regularization. Against her also there are no adverse remarks. Her work was also satisfactory to the bank. On some lame excuses the bank wants to smoke her out. It is improper, unjust and an act of unfair labour practice. The bank could have avoided unnecessary disputes by absorbing the existing PTEs working in leave vacancies and stopping such engagements in leave vacancies in future and conducting direct recruitment. It is for the bank to decide. But, the action of the bank, so far as Smt. Bindu and Ammukutty are concerned, cannot be justified. They are to be absorbed in the leave vacancies. In the case of Smt. Bindu, vacancy arose in 2002 and in case of Ammukutty in 2003 and it may

not be appropriate to order payment of back wages from that date. Hence I refrain from doing so. However, they are to be regularized. Points are answered accordingly.

Piont No. 4 (See Award portion)

18. In the result, an award is passed in I.D. 4 and 5 of 2005 allowing the claims of Smt. A. Bindu and Smt. P.K. Ammukutty for absorption in the permanent vacancies of PTEs in Mangalam Dam branch and Sreekrishnapuram branch respectively. The bank will issue appointment orders within 6 weeks from the date of publication of the award under S-17 of ID Act, failing which the PTEs concerned will be entitled to get salary on 1/3rd scale and other benefits from the date of expiry of 6 weeks aforesaid. Parties will suffer their respective cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 30th day of December, 2005.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the worker:

WW1— C.D. Josson -23-12-2005.

Witness for the management:

MW1— P.G. Siva Prasad -23-12-2005.

Exhibits for the worker:

W1 - Photocopy of Proceedings of Appointment & Daily Wage Register of PTEs of Thrissur Branch.

W2 - Photocopy of Proceedings of Appointment & Daily Wage Register of PTEs of Kodungallur Branch.

W3 - Photocopy of Proceedings of Appointment & Daily Wage Register of PTEs of Ollur Branch.

Exhibits for the management:

M1 - Photocopy of Daily Wage Register of Mangalam Dam Branch.

M2 - Photocopy of Bonus Paid Register of Mangalam Dam Branch.

M3 - Photocopy of relevant pages of Daily Wage Register of Sreekrishnapuram Branch.

M3(a) - Photocopy of relevant pages of Daily Wage Register of Sreekrishnapuram Branch.

M4 - Photocopy of relevant pages of Bonus paid Register of Sreekrishnapuram Branch.

M4(a) - Photocopy of relevant pages of Bonus paid Register of Sreekrishnapuram Branch.

M5 - Photocopy of recruitment norms for PTEs dated 23-12-1993.

M6 - Photocopy of norms regarding upward movement of PTEs dated 5-10-2000.

M7 - Photocopy of minutes of Joint Conference dated 9-6-2000.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 596.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ओवरसीज बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 926/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-01-2006 को प्राप्त हुआ था।

[सं. एल-12012/144/90-आई आर (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 596.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 926/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 12-1-2006.

[No. L-12012/144/90-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT AHMEDABAD

PRESENT: Shri B.I. Kazi, B.Sc., L.L.M.

Presiding Officer

Industrial Dispute No. 926/04

(Old ITC No. 1/1990 transferred from I.T. Ahmedabad)

The Regional Manager,

Indian Overseas Bank,

Asram Road, Ahmedabad

....First Party

V/s.

Shri Devjibhai M. Parmar

6-A Vihot Kurpa Nava Thorial Road,

Rajkot-360003

....Second Party

APPEARANCE

First Party

:

Sh. S.B. Gogia

Second Party

:

Shri M.R. Karathia

AWARD

1. The Government of India has referred the Industrial Dispute between the above parties by Order No. L-12012/144/90-IR, B.II dated 25-07-1990 to this Tribunal for adjudication. The terms of reference is as under:

SCHEDULE

“Whether the action of the management of Indian Overseas Bank in discharging Sh. Devjibhai M. Parmar is justified? If not, what relief is the workman entitled”.

2. By Ex. 2 a notice has been issued to the second party to file a statement of claim. The second party has submitted a statement of claim. By Ex. 5. The brief facts are that the workman was employed in the opponent bank at Rajkot Vaniawadi Branch as a Godown-keeper-cum-shroff. He was given a charge sheet and suspension order dated 04-09-1986 and subsequent additional charge sheet was given dated 19-01-1987. It is false, vague and not tenable and therefore he denied the charges by letter dated 02-02-1987. He was discharged from the opponent bank services without any show-cause notice or notice pay or any compensation. He appealed against the discharge order on 08-07-1988 before appellate authority, but he did not consider the request. Thus the opponent order is incorrect, improper and without application of mind. The opponent had not done any proper inquiry as per law. It was one sided. No reasonable opportunity was given to the workman. The finding is perverse, baseless and vague. He had not done anything wrong or committed error which may cause damage to the reputation or any loss to the opponent bank. There is no misappropriation or any wrongful gain. He did not derive benefit from the trade or business. The charges not tenable or as per relevant rules and regulation. The workman had wrote a letter dated 02-02-1987 against the opponent charge sheet dated 17-01-1987. M/s. Vihot Industry is the proposed unit on paper and neither materialized and nor taken any concrete shape of any trade or business. There is no misconduct, indiscipline or any breach is committed, as he had not entered into a partnership business in the M/s. Vihot Industries. The second charge is that on 14-07-1986 at the opponent Ashram Road, Ahmedabad Branch the workman encashed the cheque for Rs. 200 without sufficient funds in his account. In this regard he stated that he lost cash in traveling from Rajkot to Ahmedabad and had not resourceful in Ahmedabad. So that he can get the cash from anyone. It was only option open for him to get his cheque to purchase to get required amount and to repay after coming back to Rajkot. The opponent had recovered by the commission charges Rs. 8/- of Rs. 200 from the applicant. Charges are without foundation of law and therefore not maintainable at law. The workman was under suspension from 04-09-1986 to 31-05-1988. He was not paid subsistence allowance prescribed under the law. He was given the lumpsum amount. He filed recovery application for those allowance which is No. 19/89. The whole inquiry proceeding is vitiated and malafide due to non observation of the rule pertaining suspension allowance. Thus he was denied of natural justice. The inquiry officer has no right to issue of discharge order as per model standing order. So he may be reinstated on his original post. No fair opportunity was given to him to bring defence witness before inquiry officer and to lead the evidence. He was not afforded the opportunity of cross-examination. He requested the inquiry proceeding shall be conducted at Rajkot for defence witness. Opponent conducted the inquiry at Madras and

he could not understand language of Madras. He was only man of Gujarat in the inquiry. All the relevant documents and witness available at Rajkot. Thus the inquiry is fatal and vitiated. The discharge order is very harsh. A registered notice was given on 08-02-1988. So it is prayed that the opponent shall reinstate, the workman with full back wages and on his original post with continuity of service as the order of discharge is bad in law.

3. A notice was issued to file written statement. by Ex.6. The first party has submitted a written statement. The brief facts are that the contents of the statement of claim are not true and correct and does not admit the same. Regarding para 2 it is not in dispute that the applicant served with the charge sheet and suspension order dated 04-09-1986 and 19-01-1987. It is not admitted that the applicant was discharged without any show cause notice or notice pay or compensation. Thus the charges are not tenable or the appellate authority has not considered and applied his mind to the submissions and circumstances as shown in appeal is incorrect and totally false, baseless, misconceived and misleading and therefore not admitted. In reply para 4 to 5 they are not true and correct and are misconceived and misleading. It is not admitted that bank did not do proper inquiry or the inquiry was one sided or the reasonable opportunity was not given to defend his case or the finding are perverse baseless and vague. It is not admitted that the applicant has not committed any breach which may cause damage to the reputation or loss to the bank or the applicant had not mis-appropriated any amount or not established in trade or business. The contents are false, baseless misconceived and misleading and not admitted. Thus it is submitted that Shri Bhatti, a S.B A/c. holder had given a sum of Rs. 1000 to the applicant on 02-07-1986 who had assured him that he directly credit his account. Accordingly he made the credit entry in the pass book. However, he did not deposit the same in the bank and also did not made any entry in the ledger folio. And accordingly has misappropriated that amount. The statement of para 7 is not admitted. It is not admitted that the workman had or bonafidely or he asked for the permission for the said M/s. Vihot Industry and it is on paper and it was a proposed unit or it was not materialized. It is also not admitted that the applicant has not committed any mis-conduct by entering into partnership. It is not admitted that the applicant had lost his cash in travelling, and he has not sufficient funds or to get amount from any one in Ahmedabad and it was not possible or it was only option to get cheque purchased. It is not admitted that he had not committed any mis-conduct or the charges are without foundation of law. It is not admitted that the applicant is not paid subsistence allowance. The contention that the lump sum amount can not be regarded as subsistence allowance and for that whole inquiry proceeding are therefore vitiated is not admitted. It is not admitted that bank did not observe rules pertaining to suspension allowance. It is not admitted the inquiry

officer has no right to issue the discharge order. It is not admitted that the applicant was not given the fair opportunity to bring his defense witness or to cross-examination and lead the evidence. It is not admitted that he could not understand the language at Madras or he was only man of Gujarat in the inquiry. It is not admitted that his request for conducting the inquiry at Rajkot was not considered and therefore the inquiry is vitiated. It is not admitted that the applicant has not mis-appropriated amount or has not established any trade or business. It is not admitted that his discharge order is very harsh and the bank has not followed the procedure as provided under the act. The applicant was served with a charge sheet dated 04-09-1986 and he was suspended pending the inquiry. He was served an additional charge sheet on 19-01-1987. The explanation offered by the applicant were not satisfactory and therefore as per the prevailing rules and regulations inquiry was held in presence of the applicant. During the course of proceeding full opportunity was given and it was held as per the principles of natural justice. During the course of inquiry his mis-conduct was proved and accordingly, the finding of inquiry officer was received. Therefore, he was called for submissions regarding the proposed punishment. He did not attend the same and the hearing was *ex-parte*. In view of the extenuating circumstances, in his submission dated 12-05-1988 and in view of his family circumstances the disciplinary authority took lenient view. And he was served within an order of discharge from the bank's services w.e.f. 31-05-1988. Inquiry was as per the Bipartite settlement. Confidence is the main creed for an employee of the Bank. Looking to the mis-conduct committed by the employee, it is the case of the loss of confidence. The applicant can not be re-instated. Thus it is prayed that reference may be dismissed with cost.

4. The second party has submitted a documentary list by Ex. 24. and by Ex. 27. Documents submitted by mark 24.1 to 25.5 are exhibited as Ex. 50 to 54 and document submitted mark 27.1 to 27.9 is exhibited as 41 to 49. The first party has submitted a D.E. list by Ex. 32 and by Ex. 37. The document submitted by Ex. 32 is exhibited as Ex. 55 to Ex. 97.

5. The second party is examined by Ex. 98. The second party has closed the oral evidence by Ex. 99. The first party has no oral evidence. The first party has closed the oral evidence by Ex. 101.

6. The parties have submitted the written argument which is considered by me. Looking to the submissions of the parties. Looking to the materials on record and terms of reference the following issues are to be decided for my consideration :

- (A) Whether the action of the first party in discharging the concerned workman is justified?

(B) Whether the workman entitle a relief under Section 11 A of the I.D. Act ?

(C) What final order ?

My answer to the above issues are as under :

(A) No

(B) Yes

(C) As per final award

REASONS

7. Under Section 11 A of the I.D. Act when there is a dispute relating to discharge or dismissal of a workman the adjudicator, if he is satisfied that the order of discharge or dismissal was not justified. It may by it's award set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions as he thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstance of the case may require. For that purpose the Tribunal shall rely only on the material on record and shall not take fresh evidence in relation to the matter. Looking to this provisions the Tribunal has power to give relief to the workman in case of discharge or dismissal. Thus when the management takes responsibility to level the charges of misconduct, there must be material in support of such charge where there is no such material the action and the charge would be vitiated by basic error or perversity. In workman of Fire, Stone, Rubber, Company India Private Ltd. V/s. Management 1973 1 LLJ page No. 278 S.C., it was held that Under Section 11 A the Tribunal has power to differ both on finding of misconduct arrived at by an employer as well as the punishment imposed by him. It is not necessary for the workman to plead Section 11A. The adjudicator himself has to apply the provisions of this section irrespective of the fact, whether the workman has mentioned it in his pleadings and claimed relief, there under or not. Thus the adjudicator has power regarding of finding of misconduct as well as punishment imposed by employer. If we peruse the inquiry proceedings against the concerned workman (Ex. 82 page Nos. 1 to 29) management witness No. 3 Shri Harisbhai Dalpatbhai Bhatti has deposed to the inquiry officer that he did not meet manager on 05-08-1986 the day on which he came to withdraw the cash from the S.B Account. It is also clear that he met the officer from the bank during the month of October 1986, while the chargesheet was given to the concerned workman on 04-09-1986. He also says that he is not agree with the letter which he has written on 10-10-1986. And it was his misunderstanding regarding the entry of Rs. 1000. He admitted that Shri D.M. Parmar has given the amount to him on the same day that it is on 02-07-1986. He replied that he did not give any money to Mr. D.M. Parmar. Regarding his letter, he made sufficient explanation in the inquiry. Thus the evidence of M.W. 3 is clear admission that the letter, he has written to the officer

from Bombay was as per his request and not the facts. This evidence is clear to disapprove the charges against the concerned workman regarding the credit entry of Rs. 1000 on 10-07-1986 in the saving bank pass book of S.B.A/c. No. 6105. The charge of misappropriation of Rs. 1000 relating to the above entry is not proved. Thus the guilt of the concerned workman is not established by the evidence in the inquiry. Thus the charges under para 17.5 (a), 17.5 (j) is not established against the concerned workman.

8. Looking to the deposition of M. W. 3 the findings of the inquiry officer for the above charges are not supported by the evidence. Not only that if it is an act of misappropriation, the bank has not filed any criminal case against the concerned workman. Thus the so called fictitious entry of Rs. 1000 in the pass book of Shri Harisbhai D. Bhatti after taking money from him has not been proved. It may be error on the part of employee but certainly not a misappropriation on the part of workman.

9. Looking to the chargesheet dated 19-01-1987. The first charge is of engaging in to the partnership of M/s Vihot Industries. Looking to the inquiry papers it is established that the unit is on paper and yet to take particular shape. There is no evidence that there was any trade/business under taken by M/s. Vihot Industries. The only evidence is of a bank account and G.S.F.C. letter. But no person was examined from Bank of India at Rajkot, regarding the account. Thus without proper evidence and without any material on record it can not be established that M/s. Vihot Industries has done any trade/business. The workman applied for loan to G.S.F.C. with a clear understanding that after resignation loan can be sanctioned. Thus there is no document to show that the concerned workman was a partner of M/s. Vihot Industries and that unit was materialized and has done any trade/business. The charges against the concerned workman that he is a partner of M/s. Vihot Industries is also not clearly established. The only charge proved against the concerned workman is of purchasing a cheque of Rs. 200 and for that he had submitted reasonable explanation of the circumstances for the purchase. The letter dated 23-10-1986 from G.S.F.C. does not establish that M/s. Vihot Industries has carried out any trade/business. It was a merely paper arrangement which was never materialized. Looking to the letter of the bank also the account of M/s. Vihot Industries was closed on 20-12-1986. The account does not show that any trade/business was materialized during the period from 28-03-1986 to 22-12-1986. Thus there is no evidence to show that M/s. Vihot Industries is a real entity and that firm has done any trade/business. Thus the charges against the concerned workman being a partner of Vihot Industries did not established. However, the charges of purchasing a cheque of Rs. 200 from Ashram Road Branch is proved, but for that a sufficient explanation has been given by the concerned workman. He also narrated the circumstances for which it was purchased. No only that the concerned

workman has repaid the amount and charge of Rs. 8 is also recovered from him. Thus it is not a grave misconduct on the part of the concerned workman, so that he shall be discharged from the services. Thus the charges under para 17.5 (a) is not established as well as under para 17.5(J) is also not established because there is no loss to the bank for purchasing a cheque of Rs. 200.

10. It is clear that the first party has not paid suspension allowances as per the Bi partite settlement.

Only lump sum amount has been paid and for that a recovery application has been filed which is pending. Thus the right of defense of the concerned workman without proper suspension allowance is a greatly prejudiced. Thus the act of the first party of not paying suspension allowance as per the rule during the period of suspension affected the principle of natural justice. Not only that the first party has not given the proper opportunity to the workman before inflicting the punishment and has inflicted the punishment in haste. As the concerned workman was called at Madras with short notice the concerned workman being class IV employees and being suspended it was highly impossible for him to arrange in short time to go Madras and to represent regarding the punishment.

11. The first party in his written argument has relied on several judgements (1) 1998, II CLR page 339 is not applicable in the present case because there is no misappropriation of public funds. (2) 1998 page No. 1032 is also not applicable in the present case because there is no misappropriation of public funds. (3) In Vinod Chandra Balkrishna Pandit V/s. State of Gujarat 1998 (1) G.L.R. 843, it was a case of illegal gratification in sanctioning loans. This is not a case of illegal gratification. (4) Inspecting Asst. Commissioner Bombay V/s. Sharat Narayan Parab 1988, F.L.R. Vol. 78 P. 79 was a case of conviction and therefore punishment was not unreasonable. Here the punishment is very harsh, looking to the gravity of the charges. (5) In Satya Prakesh V/s. State of U.P. 1988 F.L.R., Vol 78 P. 94 was a case, where there was a embezzlement of government money. This is not a case of embezzlement, hence the punishment of discharge is very harsh. (6) In state of Karnataka and Others V/s. H. Nagaraj was a case of bribery by the policeman. This is not a case of bribery. In the present case there is no loss to the bank and it is a mere and error on the part of the concerned workman by entry of Rs. 1000 in the pass book. (7) In Punjab Dairy Development Cooperation Ltd. Anr. V/s. Kala Singh 1997 L.L.R. Vol. 28 P. 778 the charge was proved and then punishment of dismissal was there. In the present case, the major charges are not proved against the concerned workman. (8) In Deoki Nandan Sharma V/s. Union of India & Others there was a serious misconduct allowing overdraft to parties, unauthorized passed fictitious credits to parties shortage on cash balance and purchased cheques from certain traders. It was a serious charges which was duly proved

against him. Hence the removal from service was justified. (9) In Maharashtra State Transport Corporation V/s. Bim Rao 1999(83) F.L.R. P. No. 992 is also not applicable. The concerned workman has not misappropriated of Rs. 1000, but there was an error of entry and no bank amount was involved. Not only that M.W. 3 is clarified that he did not give any money to the concerned workman.

12. On the contrary the charge against the concerned workman except the purchase of cheque of Rs. 200 is not established against the concerned workman and the right of defence was prejudiced by not giving proper suspension allowance as per the rules. Not only that no proper opportunity was given before inflicting the punishment and the bank has taken a decision in haste.

13. Looking to the evidence of the concerned workman at Ex. 98 that after the discharge, he did not get any employment. Thus for the unjust act of the first party, he suffered an unemployment. Thus it is necessary to reinstate, the second party on his post with continuity of service, but with only 25% back wages from the date of discharge till the date of reinstatement. For the charge of purchasing a cheque of Rs. 200/- his one increment shall be stopped with cumulative effect. I think this is proper punishment for the proved misconduct. Thus the first party hereby directed to reinstate the second party workman on his original post with continuity of service and to pay 25% back wages from the date of discharge till the date of reinstatement. The concerned workman shall be reinstated within 30 days from the date of receipt of this award by the first party.

14. Looking to the above observations I hereby pass the following order :

• ORDER

The order of discharge of D.M. Parmar is not justified. The first party management of Indian Overseas Bank is hereby directed to reinstate the second party on his original post with continuity of service within 30 days of receipt of this award. The first party is also hereby directed to pay 25% back wages to the workman from the date of discharge till the date of reinstatement of the concerned workman within 60 days of the receipt of this order. One increment of the concerned workman shall be stopped with cumulative effect for the proved misconduct. It is also directed that the first party shall pay Rs. 1000 as a cost to the second party of this reference.

Ahmedabad

Date: 12-12-2005

B. I. KAZI, Presiding Officer

नई दिल्ली, 13 जनवरी, 2006

का.आ. 597.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलियासबाओ परेरा एण्ड सन्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई नं.-2 के पंचाट (संदर्भ संख्या 2/79/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-2006 को प्राप्त हुआ था।

[सं. एल-36011/1/2005-आई आर (बी-II)]

सी गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 597—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/79/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure, in the Industrial Dispute between the management of M/s. Elasbao Periera & Sons, and their workmen, received by the Central Government on 12-1-2006.

[No. L-36011/1/2005-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI

Present :

Shri B.I. Kazi
Presiding Officer

REFERENCE No. CGIT-2/79 of 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT OF M/S. ELASBAO PEREIRA & SONS

AND

THEIR WORKMEN

APPEARANCES:

FOR THE EMPLOYER : Mr. P. Gopalkrishnan
Advocate

FOR THE WORKMAN : Mr. B.S. Bhosle, General
Secretary, Transport & Dock
Workers Union, Goa.

Mumbai, dated 6th December, 2005

AWARD

The Government of India, Ministry of Labour, New Delhi, by its Order No. L-36011/1/2005-IR-(B-II) dated 01-06-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:—

SCHEDULE

“Whether the action of the management of M/s. Elasbao Pereira & Sons, Goa in not paying wages, legal dues and other benefits to their workmen as demanded by the Transport & Dock Workers' Union, Goa is legal and justified? If not, to what relief the workmen are entitled for?”

2. On receipt of Order of Reference from Government notices were issued to Management and Union (Ex.2). Both parties served (Ex.3 & 4). Union filed application stating that the workmen were paid their claims (Ex.5). Union also filed statement to that effect by way of “No Claim Statement” (Ex.10).

3. Today both parties remained present. Union filed purshis for withdrawal of the case and for passing Award in terms of the “No Claim Statement”. Management had no objection for the same. Accordingly, I pass the following order.

ORDER

Allowed to withdraw.

No order as to costs.

Date: 06-12-2005

B.I. KAZI, Presiding Officer

नई दिल्ली, 13 जनवरी, 2006

का.आ. 598.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद नं.-1 के पंचाट (संदर्भ संख्या 104/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं. एल-12012/47/1996-आई आर (बी-II)]

सी गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 104/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 1 as shown in the Annexure. in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 09-01-2006.

[No. L-12012/47/1996-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.

REFERENCE No. 104 of 1997

PARTIES : Employers in relation to the management of Bank of India.

AND

Their Workmen

PRESENT:

Shri SARJU PRASAD,
Presiding Officer

APPEARANCES:

For the Employers : None.

For the Workman : None.

State : Jharkhand Industry : Coal.

Dated, the 21st December, 2005

AWARD

By Order No. L-12012/47/96-L-IR(B-II) dated 7-5-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sec. (1) and sub-section (2A) of Section 10 of the I.D. Act, 1947, referred the following dispute for adjudication to this tribunal :

“Whether the action of the management of Bank of India in recovering instalments towards repayments of loans/advances from subsistence allowance of suspended employees of Telco Town Branch Jamshedpur, namely, S/Shri S.K. Rath, Utpal Bhattacharjee and B.K. Chatterjee during their suspension period is legal and justified ? If not, to what relief the said workmen are entitled ?”

2. This reference case is of the year 1997. In spite of registered notice none appears on behalf of the concerned workman to take any step. It therefore appears that neither the sponsoring union nor the concerned workman is interested to contest the case.

3. In such circumstances, I render a ‘No Dispute’ Award in the present industrial dispute.

SARJU PRASAD, Presiding Officer.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 599.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई डाक लेबर बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1 मुम्बई के पंचाट (संदर्भ संख्या 32/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-1-2006 को प्राप्त हुआ था।

[सं. एल-31012/13/1987-डी 4 (A)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O.599—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/93) of the Central Government Industrial Tribunal-cum-Labour Court No. 1 Mumbai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bombay Dock Labour Board and their workmen, which was received by the Central Government on 3-1-2006.

[No. L-31012/13/1987-D4(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT:

JUSTICE GHANSHYAM DASS,
Presiding Officer

REFERENCE No. CGIT- 32 OF 1993

PARTIES : Employers in relation to the management
of Bombay Dock Labour Board

AND

Their Workmen

APPEARANCES:

For the Management	:	Shri. Shamrao Patil, Advocate Shri. A.S. Patil, Adv.
For the Workman	:	Mrs. Shobha Gopal, Adv.
State	:	Maharashtra

Mumbai dated the 20th Day of December, 2005

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) *vide* Government of India. Ministry of Labour, New Delhi, Order No. L-31012/13/87-D-4-A dated 25-1-1989. The terms of reference given in the schedule are as follows :

क्या बम्बई डाक लेबर बोर्ड, बम्बई के बम्बई स्थित चिकित्सा विभाग के प्रबंधन 31-8-1983 से सर्व श्री कृपा शंकर शुक्ला, अशोक विठ्ठल जाधव तथा ए.जी. गुजावर एम्बुलेंस बोर्ड ब्याय की सेवाएं समाप्त करने की कार्यवाई न्यायोचित है। यदि नहीं तो संबंधित कर्मकार किस अनुतोष के हकदार हैं।

2. At the very outset, it may be mentioned that this reference had been rejected by this Tribunal *vide* Order dated 05-06-1996. This order was challenged before the Honourable High Court of Bombay. The said order was set aside and the matter was remitted back to this Tribunal for deciding it on merits holding *inter alia* that Whether the Petitioner are the Employees of the Respondent Board is the issue clearly incidental to the reference viz. Whether the termination of the services of the petitioners by the Bombay Dock Labour Board since 31st August, 1983 is legal and if not so, to what reliefs are the workmen entitled to? Thereafter, the notices were issued to the parties.

3. The reference has been made in respect of three workmen namely, S/Shri. A. V. Jadhav, Kripashankar Shukla and A.G. Mujawar. It may be mentioned that this reference has been prosecuted and contested finally by only one person Shri Kripashankar Shukla. Mr. Jadhav had filed his Statement of claim and also affidavit in lieu of his

examination in chief; but he did not appear thereafter and offered himself for cross-examination. He was accordingly discharged. The third person Mr. Mujawar never appeared to contest or prosecute the claim. Thus, the Tribunal is left with the matter of Mr. Shukla only at this juncture.

4. The contention of Mr. Shukla as borne out from the Statement of Claim dated 19-12-1995 is that he was employed by or with Bombay Dock Labour Board (hereinafter referred to as the Board) on and from 09-02-1982 as Medical Staff—Ward Boy. He was required to work in the Ambulance run by the Board. He worked under the Medical Officer of the Board namely, Mr. D.L. Desai. On 22-12-1982 Mr. Desai informed him that one Dr. Paradkar was appointed in charge of the Ambulance Van run by the Board and he shall have to work under him. He continued to work in the establishment of the Board for about 19 months. During this period, the Secretary of the Board had categorically and repeatedly assured that the workman would be confirmed and registered in the services of the Board. However, despite repeated assurances, he was not confirmed. Accordingly, he, in the month of August 1983 along with other colleagues approached the Secretary of the Board for the aforesaid request; but the Secretary behaved rudely and told him that his services were not required from the very next day. The Secretary informed him that he was not an employee of the Board; but of the aforesaid Dr. Paradkar. He was refused permission to enter the Docks from the very next day. He raised the dispute before the Regional Labour Commissioner vide letter dated 13-9-1983 which was common to other colleagues also. The matter remained pending and the reference was made by the Government in the year 1993. The workman had also filed a complaint under Prevention of Unfair Labour Practices Act, 1971 registered as ULP No. 40 of 1984 on 23-3-1984. This complaint was however dismissed on a technical ground that the jurisdiction was with the Central Government for all Dock Labour Board. This was one of the reason for delay in making the reference to this Tribunal.

5. The Bombay Dock Labour Board (hereinafter referred to as the Board) has been superseded by the Central Government in exercise of the powers conferred by Clause A of sub-section 1 of Section 6-B of the Dock worker's (Regulation of Employment Act, 1948) by the notification dated 25-2-1994, duly published in the Official Gazette on or about 28-2-1994 and by virtue of this notification All powers and functions exercised performed by the Board shall be exercised or performed by the Chairman of the Trust. In this back ground, the Written Statement has been filed by the Bombay Port Trust (hereinafter referred to as Trust) for and behalf of the Board.

6. The contention of the Board is that the workmen were never employed as workmen by the Board. There was no relationship of Employee and Employer. The present reference is not maintainable since the workmen

under reference never became the workmen within the definition of Section 2(s) of the Act. It is also contended that the Board was not an industry and for that reason too the reference is not maintainable.

7. It is alleged by the Board that the Board at its meeting held on 27-6-1980, sanctioned the purchase of a well equipped ambulance for attending to Dock workers who may sustain injury during the course of their employment and for admitting such workman to the nearest hospital within the shortest possible time. Accordingly, an order was placed on 09-10-1980 with M/s. Car Marketing Pvt. Ltd., Bombay for a Matador ambulance. The Board got the delivery of the ambulance on or about 08-1-1982. Due to the lack of experienced personnel available to man the ambulance, the Board accepted proposal subject to certain terms and conditions of Late Vaidya T. G. Paradkar Smarak Samiti, 100/3, Kalyandas Wadi, Opp. Jai Hind Cinema, Chinckpokli, Bombay-400012 (hereinafter referred to as Samiti) for manning the ambulance of the Board and the same had been commissioned on and from 22-1-1982 by it. For this purpose, the Samiti employed the man power such as Doctors, Drivers and Ward Boys of persons employed as such were the workmen of the Samiti and not of the Board. The Board had no control or supervision over the work of the employees of Samiti including the workman under reference. The Board had no authority to initiate disciplinary action against them. There was no relationship of employer and employee. The allegations made by the workman in his Statement of claim have been specifically denied by the Board. It is contended that the Board never employed the workmen nor ever terminated the services. It has no concern if the Samiti terminated the services on the ground of unsatisfactory services.

8. On the pleadings of the parties, the predecessor in office had framed the following issues on 26-4-1999.

1. *Whether the second party are "workmen" within the meaning of Section 2(s) of the Act of the Bombay Dock Labour Board?*
2. *Whether the Bombay a Dock Labour Board is not an "Industry" under the provisions of Section 2(j) of the Industrial Disputes Act, 1947?*
3. *If so what reliefs the second party is entitled to?"*
4. *What Award?"*

9. One more additional Issue was framed by the predecessor in office on 05-10-1999 "*Whether there was delay in approaching the proper authority for obtaining the reference and later on prosecuting and adjudicating the reference.*"

10. Mr. Shukla filed his own affidavit in lieu of his

examination in chief on 16-12-1998. It was later on amended under the orders of the tribunal. He was cross examined by the Counsel for the Board on a number of dates for months together.

11. The Board filed the affidavit of Shri Ramesh S. Ghadavale, working as Assistant Secretary in the erstwhile Board and now working as Administrative Officer with the Trust since March 2001. He has reiterated the facts relating to the contention of the Board and has given out the facts and circumstances in detail to be referred later on. He has proved the documents filed by the Board. The Board further filed the affidavit of Mr. Ramchandra Rajaram Paradkar son of Late Dr. R. T. Paradkar who was Chairman of Late Vaidya T. G. Paradkar Smarak Samiti, Mumbai, referred to as Samiti. He stated that from 1982 to 1992 the contract to run the Ambulance was awarded from time to time by the Board to Samiti and since January 1993 the deponent has been running the Ambulance service on a contract basis at Mumbai Port Trust in the name and style of R. R. Paradkar. He stated that the workmen were employed as ward boys on daily wages by the Samiti and the salaries were paid to them by the Samiti. Late Dr. R. T. Paradkar was engaged in multifarious social activities, he was a Physician and Surgeon associated with Medical, Social and Educational Institutions across Mumbai. He also stated that the service of the ward boys were found to be unsatisfactory and hence they were removed from service w.e.f. 31-8-1983. The letter dated 05-9-1983 was written by Late Dr. R. T. Paradkar to the Senior Inspector of Police, Yellow Gate Police Station, Mumbai informing to cancel and confiscate the Dock entry permits issued to them.

12. The documents in all 29 have been filed by the workmen vide list dated 04-4-1996. It consists of identity cards and Dock entry permits (Ex. W-1 to W-7) issued to the workmen, sample copy of the letter of Durga Polyclinic for issuance of dock entry permit to their workmen, Copy of the letter dated 01-9-1983 addressed to the Dy. Chairman of Board by the concerned workmen (Ex. W-9), Complaint lodged by the workmen with the Yellow Gate Police Station (Ex. W-10), Copy of letter dt. 05-9-1983 issued by Inspector of Police, Yellow Gate Police Station regarding deposit of Dock entry permit (Ex. W-11), Copy of letter addressed by Police Personnel of Yellow Gate Police Station to Shri Shukla (Ex. W-12), Copy of the Sample envelope of Bombay Dock Labour Board issued to the workmen for payment of wages (Ex. W-13) and Copies of the letters and communications in between the Authorities of the Board with the Conciliation Officer and the workmen (Ex. W-14) and finally, the report of the Conciliation Officer regarding failure of conciliation and the order of reference made by the Government. The relevant documents are (Ex. W-1 to W-13) for the purpose of this reference and more particularly, are the issuance of identity cards and Dock entry permits.

13. The Board has filed the documents on 13-10-1991, marked as Ex. M-1 to M-13. Ex. M-1 is the Dock Workers (Regulation of Act, 1948), Ex. M-2 is the copy of the letter written by the Chairman to Late Vaidya T.G.P. Smarak Samiti to the Secretary of the Bombay Dock Labour Board dated 04-1-1982, Ex. M-3 is the Copy of the letter written by the Board to the Samiti dated 07-1-1982, Ex. M-4 is the copy of the letter dt. 11-1-1982 written by the Samiti to the Board, Ex. M-5 is the letter dt. 25-5-1982 addressed by the Samiti to the Board, Ex-M-6 is the copy of the letter dated 27-5-1982, written by the Secretary to the Board to the Samiti, Ex-M-7 is the copy of the Office note dt. 18-11-1982 prepared by Dy. Chairman for approval from the Chairman for continuance of the arrangement with the Samiti, Ex. M-8 is the copy of the letter dt. 20-11-1982 written by the Board to the Samiti, Ex. M-9 is the copy of the letter written by Samiti to Senior Inspector of Police, Yellow Gate Police Station dt. 30-9-1983, Ex-M-10 is the copy of the letter dt. 05-9-1983 written by the Board to the Senior Inspector of Police, Ex. M-11 and M-12 are the copies of the correspondence in between the Board and the Conciliation Officer, Ex. M-13 is the copy of the Interim Relief application filed in the Complaint No. 40 of 1984 in the Labour Court. The Board has also filed the Salary register and also Annual reports for the years 1980-81, 1981-82 and 1982-83 to show that the workmen were never on the role of the Board nor they were paid by the Board nor there was any pay scale starting from Rs. 200 p. m. as alleged by the workman Mr. Shukla.

14. The parties have filed their written submissions and the rulings in support of their respective cases.

15. I have heard the learned counsel for the parties and gone through the entire evidence on record.

16. In view of the law laid down by Honourable High Court of Calcutta in a case reported in 1976 Lab IC 202 in between Swapna Das Gupta, Head note (c) vs. Industrial Labour Court, the burden of proof lies upon the workman to prove that he is a workman of the Company when it is denied by the Company.

17. It is the admitted position that the contesting Mr. Shukla workman was never issued any Appointment letter by the Board. It is asserted that he had signed the Attendance register of the Board but no proof whatsoever is available on record to prove this fact. It is further asserted that the workman was paid the wages by the Board but no proof whatsoever is available on record to prove this fact. It is asserted that the workman was under the supervision and control of the Board but again to say that no proof is available on record. The workman stated that he was appointed at Rs. 200 p.m. It is surprising that as per records of the Board no such pay scale starting from Rs. 200 p.m. is there. No workman is paid the starting salary with Rs. 200. It is again a false statement on the part of the workman that he received the annual increment after

just undergoing six months service. The annual increment is never granted half yearly. It is always granted after satisfactory service of one year. Admittedly, the workman was never given the other benefits of PF etc. by the Board nor the workman was ever given the Bonus by the Board. The reliance is mainly placed upon the Identity Card and Dock entry permits issued by the Board. I feel that this document do not prove that the workmen were employed by the Board. The necessity of issuance of Identity Card and Dock entry permits was there in view of the fact that the workmen admittedly worked as ward boys at the Ambulance run by the Board even in prohibited area. The contention of the Board is that this Ambulance service was for the welfare of the workmen and it was run under the contract which was given to late Dr. Paradkar. The relevant evidence has been filed on record to show as to how the sanction was there regarding the purchase of Ambulance van for Medical services to the workmen throughout day and night. The Ambulance was duly purchased by the Board. It is immaterial as to what procedure was adopted for its purchase. The fact remains that it was purchased by the Board. It is proved on record that this Ambulance van was given on contract to Late Dr. Paradkar since Jan. 1982. The employment of the workmen came as ward boy on 9-2-1982 which is a relevant date when the Ambulance service was given on contract to Late Dr. Paradkar through Vaidya T. G. Paradkar Smarak Samiti. The Samiti was given the contract to run the Ambulance service on contract basis. The arrangement continued from the year 1982 to 1993 till Dr. Paradkar remained alive and thereafter continued through his son under different name and style. The evidence has also been filed on record to show that the Samiti owned the workmen under reference as its employee and when it found the services to be unsatisfactory, wrote a letter to the Chairman of the Board and also to the Senior Inspector of concerned Police Station. Accordingly, the Dock entry permits were cancelled and recovered by the police from the workmen.

18. The clear picture which emerges on record is that the workman worked as ward boy on Ambulance which was maintained and run by the Board through a contract given out to Late Dr. Paradkar. Now the question arises as to whether the ward boy who worked as casual worker and worked for 19 months only can be said to be a workman of the Board within the definition of Section 2(s) of the Act.

19. As referred to above, the burden lies upon the workman first and I feel that this burden has not been discharged on record. The documents relied upon by the workman are quite insufficient in drawing a conclusion that the ward boy became the workman of the Board under law as defined under Section 2(s) of the Act. Thus, there was no relationship of employer and employee in between the workmen and the Board.

20. The rulings relied upon by the learned counsel for the workman reported in 1978 (2) Supreme Court case 213 in between Bangalore Water Supply and Sewerage Board *V/s.* Rajappa and Others, 1995 1 CLR 648, Management of Dock Labour Board, *Vishakapatnam V/s.* Industrial Tribunal, Hyderabad, 1978 (4) SCC, 257 Hussainbhai *V/s.* The Alath Factory Thezhilali Union and 1996 LIC, 644 Shri Mahila Griha Udyog *v/s.* Smt. R. D. Kote and 1977 LIC, 1594, *M/s. R. Rokde V/s.* S. C. Warkar are not helpful on the facts and circumstances of the case for showing the relationship of employer and employee in between the parties. They go to show that Bombay Dock Labour Board is an 'Industry' but not helpful for showing the ward boys as workmen within the definition of Section 2(s) of the Act, keeping in mind the facts and circumstances of the present case discussed above. The issue is accordingly answered in negative.

21. *Issue No. 2* : As discussed above, Bombay Dock Labour Board is an 'industry' in view of the law laid down by the Honourable Supreme Court, referred to above. It may also be observed that this point loses its relevancy in view of the circumstances under which this reference has been restored for decision on merits under the orders of the Honourable Bombay High Court. The Bombay Dock Labour Board is accordingly held to be an industry within the definition of Section 2(j) of the Act.

Issue No. 5 : There appears to be no delay in approaching the proper authority for industrial reference. However, it could be said that this reference has been contested by both the parties with peace. Neither of the parties has been eager to get the reference expedited. None of the parties could be solely blamed for it. Issue is answered accordingly.

22. *Issue No. 3 and 4* : In view of the findings on the aforesaid issues, the workmen are not entitled to any relief. It may however be observed that even if for the sake of argument the contesting ward boy Mr. Shukla may be said to be a workman of the Board for a period of 19 months through the Samiti during the period February 1982 to August 1983, for working as ward boy on the Ambulance, owned by the Board and run on contract by the Samiti, it is not going to be beneficial for the workman for granting the relief of reinstatement and back wages after a lapse of period of more than two decades. I do not find any rationale to direct the Board to reinstate Mr. Shukla as ward boy with back wages. It is natural that Mr. Shukla must have engaged himself in some way or the other to make his livelihood. No evidence whatsoever has been led to show that Mr. Shukla remained idle throughout and did not find his livelihood. The question of granting back wages does not arise.

23. Hence I conclude, that the workmen are entitled to any relief.

24. The reference is accordingly answered.

Justice GHANSHYAM DASS, Presiding Officer.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 600.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट (संदर्भ संख्या 7/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2006 को प्राप्त हुआ था।

[सं. एल-12012/159/1998-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 600.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 7/99 of the Central Govt. Indus. Tribunal Cum-Labour Court, Kanpur (U.P.) as shown in the Annexure, in the Industrial Dispute between the Management of Vijaya Bank and their workmen, received by the Central Government on 5-1-2006.

[No. L-12012/159/1998-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 7 of 99

Sri Pawan Kumar Agrawal,
7, Inner City, Ring Road,
Agra, U.P.

AND

The Deputy General Manager,
Vijaya Bank, Vijaya 3rd Floor,
17-Barakhamba Road,
New Delhi

AWARD

1. Central Government, Ministry of Labour, New Delhi *vide* its Notification No. L-12012/159/98/IR (B-II) dt. 30-12-98 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the Management of Vijaya Bank in dismissing Sri Pawan Kumar Agrawal *vide* order dated 30-9-97 was legal and justified? If not what relief the workman is entitled to?”

2. It is common ground that the workman Pawan Kumar Agrawal was appointed by the Management of Vijaya Bank as Hindi Typist. While working as such the workman was issued a chargesheet dated 30-11-92 by the disciplinary authority of the Bank on various allegations of misconduct

Sri S. Karunakar Shetty Senior Manager was appointed as enquiry officer to conduct the inquiry against the workman. The enquiry officer commenced the enquiry on 3-8-93 and concluded the same on 4-8-93 and after conclusion of the enquiry, enquiry officer submitted his findings to the disciplinary authority. On receipt of the findings the disciplinary authority issued a show cause notice dated 20-11-93 to the workman and the disciplinary authority on the request of the applicant granted him personal hearing before inflicting punishment on the workman. Proceedings of personal hearing was held on 26-4-94 whereafter noting was done in the matter for 2½ years. The enquiry against the workman was reopened by the disciplinary authority only for the purposes of allowing the workman to cross examining the management witnesses *vide* his order dated 19-10-96. The enquiry against the workman was reopened on 28-1-97 and was closed the same day on 31-1-97. Again the enquiry officer submitted his findings dated 5-11-93 to the disciplinary authority of the bank who in turn issued the workman a show cause notice *vide* his order dated 30-9-97 inflicted the following punishment on the workman :

Charge No. 1 Stoppage of one increment permanently.

Charge No. 2 Stoppage of two increments permanently.

Charge No. 3 Dismissal from service with immediate effect.

3. The grievance of the workman in the instant case is he was not allowed to cross examine the management witnesses during the course of departmental inquiry; that the disciplinary authority has not been appointed in accordance with para 19.14 of the first bipartite settlement; that the workman was not granted an opportunity of hearing to the show cause notice issued to him second time on 9-8-97; that the disciplinary authority had reopened the enquiry only for the purposes of affording an opportunity to the workman for cross examining of the workman but not to afford an opportunity to the workman for his defence; that there is no provision in the service condition empowering the disciplinary authority to reopen the inquiry after receipt of the findings by the enquiry officer especially when the disciplinary authority had already issued to him show cause notice and had provided him personal hearing in the matter; that since the chargesheet contains false allegations the same was illegal; that the workman was not allowed to cross examine the management witness by the enquiry officer who conducted the enquiry in a hasty manner; that the findings of the enquiry officer is perverse and not based on proper appraisal of evidence available on the record.

4. On the basis of allegations as above, it has been prayed by the workman that the punishment order be set aside and the workman be reinstated in service with full back wages and all consequential benefits.

5. Management of Vijaya Bank filed its written statement in which it has been stated that the workman Pawan Kumar Agrawal while working at the Agra Cantt. Branch was

entrusted with the following work during the period I-2-92 to 31-8-92 as per job allocation—

- (i) Issue of tokens and maintenance of register thereof
- (ii) Writing and maintenance of transfer scroll
- (iii) Handling despatch work and other work related to despatch section.
- (iv) Calculation and application of interest on SB Account as and when allotted.
- (v) Any other work that may be entrusted from time to time by the branch manager/officer.

It has further been alleged that the workman was taking the work entrusted to him in a very casual manner and was in the habit of leaving the work incomplete. It has been alleged that on 26-5-92 at about 1 p.m. Sri Ravi Joshi the Assistant Branch Manager noticed the applicant sitting in front of the air cooler near day book section without attending to the entrusted work advised him to go to his seat and issue tokens and attend other work allotted to him, but the workman instead of carrying out the instructions given by his official superior, remarked against Sri Joshi by saying 'Mr Joshi had been saying it, he is saying it and you would keep on saying like this'. Further after lunch hours at about 2.30 p.m. Sri Joshi came to the workman while he was again found sitting in front of the air cooler near the day book section and asked him to go to his seat as his lunch hour was over. Sri Joshi also advised the workman to behave properly and not to pass such remarks against the officers, thereupon the applicant suddenly got agitated and started using abusive language and derogatory remarks against Sri Joshi. On hearing the loud voice of the workman the staff members came to the scene and tried to pacify the applicant and advised him to behave properly with his superiors and in the meanwhile Sri U.K. Verma Secretary of the employees union who has handling cash on that day reached the spot and intervened and tried to pacify the applicant. When Sri Y.K. Verma advised the applicant to behave in a decent manner, the applicant remarked against Sri Verma saying 'you are chamcha of Joshi' and then the applicant assaulted Sri Verma by slapping him on his face and neck as a result of it the spectacles of Sri Verma fell down and his gold chain was broken. The applicant also caught Sri Verma by his collar and pushed him. The staff members who were witnessing the scene were shocked at the rude indecent, violent and disorderly behaviour and assault on the part of the applicant and separated the workman from Mr. Verma and when the applicant got free from the hold of staff members, he once again assaulted Sri Verma by hitting him on his neck and stomach. It has been alleged that the chargesheet dated 30-11-92 was sent at the residential address of the workman disclosing all the circumstances appearing against him. The applicant submitted his reply denying the allegations of charges on 13-3-93. Enquiry officer after concluding enquiry submitted his report dated

5-11-93 wherein he held all the three charges as proved against the workman and after considering the gravity of the charges the disciplinary authority proposed to impose on the applicant the punishment of removal from service of the bank with immediate effect. The proposed punishment was communicated to the workman vide letter dt. 20-11-93 alongwith a copy of the report of enquiry officer dated 5-11-93 against which the workman submitted representation on 4-1-94. After considering the submissions made by the workman orally as well as in writing the disciplinary authority on 26-4-94 in order to ensure that the principles justice were fully complied with remanded the case back to the enquiry officer with a direction to give the workman a further opportunity to cross-examine the witnesses who deposed against him before the enquiry officer on 4-8-93. Enquiry officer reopened the enquiry as advised by the disciplinary authority and conducted the enquiry from 28-1-97 to 31-1-97 at the Agra Cantt Branch. The workman defended himself and did not produce or examine any exhibits witnesses in his defence. The workman did not cross-examine the remaining witnesses of the management except M.W. 1, M.W. 2 and M.W. 3. The enquiry officer submitted a fresh enquiry report dated 1-7-97 wherein he had held all the charges as proved and established against the workman. The disciplinary authority after careful consideration of the entire connected records including enquiry proceedings accepted the findings of the enquiry officer dt. 1-7-97 and held the applicant guilty of the charges as proved and established during the enquiry and after careful consideration of the connected records of the workman, the disciplinary authority decided the punishment details of which have already given above in the body of this award. The disciplinary authority issued a show cause notice to the workman vide letter dated 9-8-97 along with a copy of the report of enquiry officer and the workman was called upon to submit his representation in the matter. The disciplinary authority after careful considerations the grounds mentioned by the workman in his representation 5-9-97 awarded punishment of dismissal from service to the workman.

6. It has further been alleged by the bank that the workman was appointed as Hindi Typist. It is also alleged by the bank that the enquiry officer conducted the enquiry against the workman as per the provisions of the bipartite settlement applicable to him and in accordance with the principles of natural justice. It has also been alleged that the workman during the course of departmental enquiry refused to sign on pages 9 and 10 of the enquiry proceedings and left the venue of enquiry with ulterior motive and without assigning any reason workman did not attend the

enquiry on 4-8-93 for which he had due intimation. The enquiry officer has rightly come to the conclusion that the applicant had remained absent on feigned sickness. Allegation of the workman that the officer who issued the show cause notice to the workman was not empowered to do so is misconceived and that he had every authority to issue the show cause notice. The disciplinary authority at the request of the workman granted him a personal hearing on 26-4-94 on the show cause notice containing the proposal about the punishment. It has been denied by the management that the enquiry officer closed the enquiry abruptly. It has also been alleged that assault of a co-employee in the branch office is a gross misconduct hence the punishment of dismissal from service of the bank was imposed on the applicant vide final order dated 30-9-97 and the punishment is quite commensurate with the gravity of misconducts proved against the workman. Rules of natural justice have been followed by the enquiry officer as well as by the disciplinary authority during the course of conduct of enquiry against the workman. There was a prima facie case to believe that the workman had committed certain acts of gross misconduct and it was decided to initiate disciplinary proceedings against the workman. On the basis of above allegations it has been prayed by the bank that the claim preferred by the workman does not merit any consideration and that the workman has rightly been imposed the punishment for proved misconduct hence the reference be answered in favour of the bank and the claim preferred by the workman be rejected.

7. Workman has also filed rejoinder in the case but nothing new has been alleged in it except reiterating the facts mentioned in his statement of claim.

8. Both contesting parties have filed documentary evidence apart from adducing oral evidence, whereas workman has examined himself as W.W. 1 management examined enquiry officer S. Karunakar Shetty as M.W. 1 and Sri Raj Kumar Bawaliya as M.W. 2 in support of its case.

9. Heard the respective authorised representatives at length and also examined the record and the evidence carefully. The present reference has been received for adjudication against the dismissal order passed by the management of Vijaya Bank against the employee Sri Pawan Kumar Agrawal vide order dated 30-9-97. The controversy involved in the case is in respect of justification of the inquiry finding and its fairness and also regarding justification of the punishment awarded to the workman.

10. On behalf of the workman it has been argued that prejudice has been caused to him while defending his case before the enquiry officer inasmuch as he has not been afforded sufficient opportunity to defend himself by the enquiry officer. It is worthwhile to note that the enquiry was instituted against the workman on the basis of chargesheet dated 30-11-92 and the enquiry officer concluded the inquiry against the workman on 4-8-93. On

the basis of report submitted by the enquiry officer, the disciplinary authority issued show cause notice to the workman as to why the proposed punishment should not be inflicted upon the workman. The show cause notice is dated 20-11-93. The disciplinary authority acceded to the request of the official and granted him personal hearing which was held on 26-4-96 and the disciplinary authority directed to reopen the aforesaid enquiry vide letter no. DZ : IRD 18658 : 96 dated 19-10-96. The enquiry was thus reopened by the enquiry officer fixing 28-1-97. The enquiry was concluded after reopening and the punishment order was passed against the erring official by the disciplinary authority holding charge no. 1, 2 and 3 as proved and imposed the punishment of stoppage of one increment on charge no. 1, stoppage of two increment on charge no. 2 and dismissal from bank's service with immediate effect on charge no. 3.

11. It has been pointed out on behalf of the workman that the said order imposing the proposed punishment by the disciplinary authority is bad in law and is perverse and also the finding of the enquiry officer is not based on proper appreciation of evidence on record thus the finding is also perverse.

12. So far as charges nos. (1) and (2) framed against the workman by the disciplinary authority are concerned charge no. 1 relate to the allegations that the chargesheeted employee failed to complete the work entrusted to him and failed to comply with the instructions of the superior officials and secondly that the chargesheeted employee behaved riotously and disorderly manner on 26-5-92. The enquiry officer in his enquiry report after discussion of the evidence adduced by the management held that the chargesheeted employee was on sanctioned leave during the period from 3-3-92 to 7-3-92 and the allegations against the delinquent employee that the token register was neither tallied nor totalled with cash scroll by him on 5-3-92, however the enquiry officer held that the allegations in respect of other duties is held to be maintainable. On going through the evidence recorded by the enquiry officer it is apparent that the enquiry officer was in haste and appears to be under the managerial obligations to conclude the inquiry against the chargesheeted employee. If part of the allegations made by the management held to be true the rest of the allegations will have to be screened more cautiously when it is found that the management is bent upon to take action and push the chargesheeted employee by hook or crook. Similarly chargesheeted employee is alleged to have not despatched the documents in time was also held to be not maintainable by the enquiry officer. Strange enough to state that after recording of the above findings against the employee in respect of second charge, the enquiry officer held that the allegation is maintainable against the workman without any plausible evidence.

13. The branch manager was admittedly not present when the alleged incident of Marpeet took place. Thus

the evidence of the Branch Manager cannot be said to be acceptable and supporting evidence. Thus the chargesheeted employee in respect of second charge of riotous behaviour cannot be said to be proved against the workman. It is also worth to mention that the enquiry officer without examining the 17 staff members has based his finding on the joint statement (Ext. M-4) of the enquiry proceeding) and also without giving an opportunity to the chargesheeted employee to cross examine these witnesses. Such basis of the enquiry report holding the charged employee guilty of the charges is not only against the principles of natural justice but also expresses the callous attitude of the enquiry officer who has admittedly refused to allow the workman to cross examine the management witnesses during the earlier inquiry made by the enquiry officer. The designated disciplinary authority while agreeing with the representation and personal hearing the disciplinary authority was fully satisfied that justice was not done with the charged employee when he was refused opportunity by the enquiry officer to cross examine the management witnesses. The proceedings recorded by the enquiry officer are sufficient to prove the fact that the enquiry officer deliberately avoided to give opportunity to the employee to cross examine the management witnesses. Hence charge No. 1 as framed against the workman for not complying with the instructions of the senior officer is therefore held to be unjustified, unreasonable and also that finding of the enquiry officer on this charge is totally perverse and against the principles of natural justice. The finding of the enquiry officer are based on surmises and of his own conduct which is not called for. Justice should not only be done but should be shown to have been done is the common and well known principle of equity and natural justice.

14. In the present case if the first inquiry report was not acceptable by the designated disciplinary authority there appears no provisions in the service rules applicable to the employees of the bank directing reopening of the inquiry against the charged employee. It is also clear from the record that the charged employee prior to the imposition of the proposed punishment on the charged employee he was placed under suspension by the management. A mere glance on the order passed by the disciplinary authority against the charged employee would be indicative of the fact that the management allowed the charged employee full salary of the period during which he was placed under suspension. This itself supports the contention of the workman that the workman was chargesheeted for other heads also for which there was no material on record prior to the alleged incident when alleged incident took place on 26-5-92. The charges so far as they relate to the non-compliance of instructions and not completing the work entrusted to the charged employee from 1-2-92 to 31-8-92 does not find support from the evidence recorded by the enquiry officer.

15. It is the admitted fact that the charged employee was appointed as Hindi Typist by the management. The admitted entrusted work by the Branch Manager relates to the issue of token and maintenance of register thereof; writing and maintenance of transfer register and scroll maintenance of despatch work and other work related to despatch section; calculation and verification of interest of saving bank account besides any other work entrusted to the charged employee from time to time. Needless to say that these alleged entrusted work are not in consonance with the duties of a Hindi Typist. The authorised representative for the management failed to put any material before the tribunal which may reveal that, that a Hindi Typist may also be asked to discharge the above duties which mainly relate to maintenance of different registers scrolls and calculation of interest etc. If this is the position the management cannot impose punishment in respect of non compliance of work by the charged employee.

16. The stand taken by the employee is that the employee was belavoured and beaten by other staff members and at the behest of the then Branch Manager of the branch. The employee has already filed the medical report before the enquiry officer which was not taken into consideration on the ground the medical was done after one day of the alleged incident. The medical officer who recorded injuries sustained by the charged employee and prepared the injury report subsequently shows that the injuries were one day old. If the injury sustained by the workman is held to be one day old by the medical officer who conducted medical examination on the next day then it cannot be said that no incident causing the injuries to the charged employee took place. Non consideration of this vital fact without examining the medical officer gives strength to the allegations of the charged employee that the management was prejudice with the charged employee and in order to impose the extreme punishment they cooked up a false story of non compliance of work and also the alleged incident of Marpit with other officials be the charged employee Sri Pawan Kumar Agrawal. On serious consideration of facts evidence recorded by enquiry officer it is held that the inquiry was neither fair nor just it has been held against all canons of natural justice. Therefore on the basis of such inquiry the punishment imposed on the charged employee is held to be unjustified and illegal.

17. Subsequent inquiry report after reopening inquiry suffers from another legal defect. The enquiry officer has made the basis of his enquiry of the evidence recorded by him in similar inquiry. If the inquiry was reopened it was necessary for the management to afford sufficient and reasonable opportunity to the workman for his defence. From the record it is clear that the order of reopening of the inquiry was passed after a period of

more than two and half year after personal hearing in respect of the proposed punishment was given to the charged employee by the disciplinary authority. If earlier inquiry has been concluded and the designated disciplinary authority was of the opinion that the same has not been done after observing the principles of natural justice there appears to be no provisions under law to reopen the inquiry on the same basis against the charged employee. If the earlier inquiry was held to be unfair by the designated disciplinary authority the charged employee becomes entitled for his reinstatement. Even if it is taken to be granted that the subsequent reopened inquiry was in continuation of the earlier inquiry the same also suffers from unreasonableness and unjustification. Admittedly the inquiry was reopened after such a long period by the disciplinary authority instead of passing the final order on the proposed punishment, the enquiry officer repeated the same mistake by not affording the reasonable opportunity to the charged employee to defend himself when he was refused opportunity to cross examine the management witnesses on flimsy grounds. The enquiry officer nowhere recorded what unreasonable questions were being put by the charged employee during the course of cross examination of the management witnesses which compelled the enquiry officer to close the inquiry abruptly. To reiterate it is held that the enquiry officer conducted the inquiry against the charged employee with undue haste without giving opportunity to the charged employee to cross examine the management witnesses and also denying to make available the documents and that the inquiry officer was working under the influence of the management and erstwhile branch manager.

18. For the foregoing reasons the domestic inquiry conducted by the management is held to be unfair unjust and illegal and is also against the principles of natural justice.

19. The management examined two witnesses before the tribunal on merit of the case out of which one is the enquiry officer himself and the other is management officer. The evidence of sole witness who has not made any complaint in writing about the incident to the management itself proves the fact that no such incident of Maarpit and riotous behaviour as alleged by the management ever took place in the branch premises. Consequently the evidence of such sole witness is held to be tainted and after thought.

20. For the foregoing reasons it is held that the action of the management of Vijaya Bank in dismissing from Service Sri Pawan Kumar Agrawal vide order dated 30-9-97 is held to be illegal and unjustified. Consequently workman is held to be reinstated in service with continuity, from the date of his dismissal. Workman is also held entitled for back wages together with all consequential benefits.

21. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 13 जनवरी, 2006

का.आ. 601.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तूतीकोरिन पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 8/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं. एल-44011/3/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2005) of the Central Government Industrial Tribunal cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Tuticorin Port Trust and their workmen, which was received by the Central Government on 9-1-2006.

[No. L-44011/3/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI

Friday, the 16th November, 2005

PRESENT:

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 8/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Tuticorin Port Trust and their workmen).

BETWEEN:

The General Secretary. : I Party/Claimant
Tuticorin Port Employee's
Trade Union, Tuticorin.

AND

The Chairman, : II Party/Management
Tuticorin Port Trust,
Tuticorin.

APPEARANCE:

For the Claimant : M/s. V. Balamurugan &
D. Rajaraman,
Advocates

For the Management : M/s. G. Dhamodaran &
J. Sathyavathi, Advocates

AWARD

1. Central Government, Ministry of Labour, *vide* Order No. L-4401 1/3/2004-IR(B-II) dated 8-12-2004 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

“Whether the claim of the Tuticorin Port Employee’s Trade Union against the management of Tuticorin Port Trust, Tuticorin over the issue of regularisation of the services of Shri S. Tamilarasan, in the Grade of Engine Driver Gr. II from the date of initial appointment is legal and justified? If not what relief the workman is entitled to?”

2. After the receipt of the reference, it was taken on file as ID No. 8/2005 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

Prior to 1-4-79 there were two ports. On 1-4-74 the Central Govt. and the State Govt. decided to integrate both the minor port and major port and formed an integrated Major Port Trust under the Major Port Trusts Act, 1963 w.e.f. 1-4-79. By virtue of the extension of the provisions of the said Act w.e.f. 1-4-79, the employees of the Tuticorin Port Trust were to be fitted suitably with wage revision committee pay structure as the case may be from their existing Central 3rd Pay Commission in scale of pay. The concerned employee Sri S. Tamilarasan was appointed as Engine Driver Grade II against a regular vacancy in the pay of Rs. 725-1287 by direct recruitment method as per the recruitment rules by an order dated 3-8-1984. According to the rules, the said post is to be filled by transfer failing which by promotion, failing both by direct recruitment and after three years services, he will be made regular. Since there was no candidate opted for transfer or promotion, the vacancy was filled up by direct recruitment. Therefore, even if there is any ad-hoc appointment to the above candidates, they will not be placed above the said Tamilarasan. While so, on 13-8-84 the respondent authorities who have been appointed as ad-hoc appointments superceding earlier orders are appointed to as regular, therefore, they have regularised 36 employees. Sri Tamilarasan who was regularised w.e.f. 13-8-84. Since his date of joining duty is 7-8-84, he should be given priority. Further, he was fixed in fifth position in the seniority. Therefore, he has raised a dispute before the labour authorities and on the failure of conciliation, the matter was referred to this Tribunal. Hence, the Petitioner Union prays that regularisation of Sri Tamilarasan is to be fixed from the date of appointment i.e. 7-8-1984 and his seniority is to be refixed as per rules.

4. The respondent in its Counter Statement alleged that the dispute is barred by limitation, patently the dispute has been raised after sixteen years from the date of issuing of order of appointment i.e. 13-8-84. Therefore, as per well established principles, the question of limitation may be taken as preliminary issue before taking the dispute on merits. The order dated 13-8-84 issued to Mr. Tamilarasan is only for temporary employment and in the order itself it is categorically stated that at any time his appointment would be terminated. The concerned employee after the receipt of order dated 13-8-1984 has been attending his duties without any reservation or murmur. Based on that order, the Departmental Promotion Committee after a deep consideration of relevant factors for regularisation of driver Grade II inclusive of Sri Tamilarasan and they had been regularised the service in accordance with relevant regulations framed for the same and the said Committee has selected three promotees and three direct recruits as regular engine driver Grade II and fixed the seniority of the said persons namely 1. A. Jasiah, 2. R. Minilala, 3. S. Jesuraj, 4. Jones Missier, 5. S. Tamilarasan and 6. R. Sundar. The question of seniority is not a matter of right and this cannot be called upon for determination before this Tribunal. The list of seniority prepared by the II party/management is valid and legal besides as per statutory regulations of II Party/Management. Out of these persons A. Jasiah, R. Minilala and S. Jesuraj are permanent employees of II Party/Management herein and they worked as greaser. Even prior to promoting them as engine driver grade II which is a feeder post to engine driver Grade II. Sri Jones Missier, R. Sundar and S. Tamilarasan are direct recruits for the post of engine driver Grade II as per ad-hoc appointment dated 13-8-84. These direct recruits have not been similarly footed employees. The promotees have been given the rank of 1, 2 and 3 which is in fact, in accordance with the regulations of the respondent. The temporary appointment made on 13-8-84 was superceded by an order dated 13-8-84 and issued to the concerned employee and two others and they have acted upon without any reservation or protest. The II Party/Management has power and jurisdiction to pass orders superceding the earlier order taking into account their administrative exigency. The ad-hoc appointment in Engine Driver Grade II w.e.f. 14-8-84 was given on 16-7-97 and the said order has been acted upon by Mr. Tamilarasan who has not raised any protest or reservation or murmur. The order of seniority fixed by the II Party/Management was as per regulations governing the preparation of seniority list. Hence, for all these reasons, the respondent prays to dismiss the claim made by the Petitioner with costs.

5. In such circumstances, the points for my determination are :—

- (i) “Whether the claim of the petitioner Union against the Respondent/Management over the issue of regularisation of services of

Sri Tamilarasan in the grade of Engine Driver Gr. II from the date of initial appointment is legal and justified ?

- (ii) To what relief the concerned employee is entitled ?”

Point No. 1 :

6. After filing of Claim Statement and Counter Statement the case was posted for filing of documents and enquiry. Even though the respondent has filed documents, the Petitioner has not appeared before this Tribunal for several hearings namely 20-9-05, 4-10-05, 18-10-05 and 3-11-05. Therefore, on 3-11-2005 the petitioner was called absent and set ex-parte. Even though the Petitioner Union espouses the cause of Mr. Tamilarasan neither the Petitioner Union or his counsel on record appeared before this Court to prosecute this dispute. The Petitioner has not produced any document to establish his claim. Since the Petitioner has not established their contention before this Tribunal, this Tribunal cannot give any relief to the member of the Petitioner Union. Hence, I find this point against the Petitioner Union.

Point No. 2 :

The next point to be decided in this case is to what relief the concerned employee is entitled?

7. In view of my above findings that the Petitioner Union has not established their claim before this Tribunal, I find the concerned workman is not entitled to the relief as prayed for by the Petitioner Union but without any Costs.

8. The reference is disposed of accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 16th November, 2005).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Marked :

On either side : Nil.

नई दिल्ली, 13 जनवरी, 2006

का.आ. 602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/गोहाटी के पंचाट [संदर्भ संख्या 5(सी)/2002] को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-1-2006 को प्राप्त हुआ था।

[सं. एल-12011/35/2002-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. 5(C)/2002] of the Industrial Tribunal Guwahati as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 12-1-2006.

[No. L-12011/35/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**IN THE INDUSTRIAL TRIBUNAL, GUWAHATI,
ASSAM**

Reference No. 5(C) of 2002

PRESENT :

Shri B. Bora,
Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :

The Management of
Central Bank of India.

Vs.

Their workman rep. by the General Secretary,
Central Bank Canteen Boys, Association,
Panbazar.

APPEARANCE :

Shri A. N. Sarma, Advocate : For the Management

Shri U. Dass, Advocate : For the Workman

Date of Award : 17-12-2005.

AWARD

The Govt. of India Ministry of Labour, New Delhi by a notification No. L-12012/35/2002/IR(B-II) dt. 28-3-02 referred an Industrial Dispute between the Management of Central Bank of India and their workman represented by the General Secretary, Central Bank Canteen Boys Association, Panbazar on the following issue :

“Whether the claim of the Central Bank Canteen Boys Association for regularisation of Shri Akhil Barman and 23 others (as per list attached) in service of the Central Bank of India in sub-staff cadre as also payment of appropriate scale of pay from the date of their initial appointment is justified and legal? If not, what relief the disputants concerned are entitled to ?”

On receipt of reference, a reference case was registered and notices were issued both parties calling upon them to file their written statements/addl. written statements

and documents if any. In response to the notices both parties appeared in this court and filed their written statements. Both parties also adduced evidences both oral and documentary in support of their respective cases.

The case of the workmen is that :—

The petitioner No. 1 is the General Secy. of the Central Bank Canteen Boys' Association (the association for short) which is a registered union under the Trade Union Act, 1926 with the registration number 1457. The said Association was registered on 4-6-94 represents the interests of about twenty four employees of the Central Bank of India who are presently working as Canteen Staff/Boys in various branches of the said bank throughout the North-East region.

The opposite party as writ petitioner approached the Hon'ble High Court vide a writ petition being registered as Civil Rule No.4509/94 claiming regularisation and equal pay for 24 canteen boys who were working at various branches under the management of Central Bank of India. the said writ petition was allowed by the learned Single Judge vide judgement and order dated 23-8-99. Thereafter, the management of Central Bank of India preferred an appeal vide Writ Appeal No.363/2000. The said Writ Appeal was finally disposed of with a direction vide order dated 5-12-01 referring the matter to this tribunal for adjudication.

That the members of the Association have been serving as canteen boys under the respondent Bank for a number of years with the earliest member joining way back in 31-10-84, and the last member joining the same capacity on 3-3-93.

That as stated earlier, all the members of the Association are working as Canteen Boys, in the different Canteens set up by the Bank as a measure of staff welfare. These canteens are recognised canteens set up by the respondent Bank and are directly controlled and supervised by the respective canteen committees set up by the Bank. The Canteen committees are all manned by Bank officers working in the respective offices/ Branches who are responsible for the administrative control of these canteens. The Management having the sanction from the highest authority have complete and total control over the canteens and the workers therein with regard to their recruitment/ termination, payment of salaries etc, the duration of work is more than the banking hours.

That the members of the Association are being paid salaries ranging from Rs.350/- to a maximum of Rs.550/- per month depending on the strength of employees working in the Bank. The salaries while being paid by the respective canteen committees of individual branches are reimbursed by the management of the Bank by way of a subsidy. These Canteen Committees constituted to oversee/supervise and manage the canteens comprised of Bank employees/officers.

That there are no rules whatsoever governing the service conditions of the members of the Association relating to recruitment, supervision, termination etc. and this being so, the members of the Association do not have any security of tenure and can be dismissed or thrown out from service on the flimsiest pretext. Service benefits like regular scales of pay, leave, medical allowances etc. which are enjoyed by regular employees are not extended to the members of the Association.

That the members of the Association besides discharging duties as Canteen staff, looking after the needs of the employees of the respective branches are called upon to undertake cleaning and conservancy services of the bank from time to time and while doing so are paid daily wages for these additional services rendered by the respondent Bank. Vouchers are separately made out for the payments so made by the branches.

That in this connection, it may be stated that similar canteen Boys of the erstwhile Purbanchal Bank Ltd. have been absorbed as regular sub-staff of the Bank, after the Bank was amalgamated with the Central Bank of India. Prior to its amalgamation with the Bank- first party, the Canteen boys of the Purbanchal Bank were also paid salaries through the Canteen Committee of the Bank while these amounts were reimbursed/ subsidised by the Bank. These recognised canteens were also provided with money to purchase utensils and meet other connected expenses of the canteens besides being provided space, electricity etc.

That it is stated that the member of the Association whose name appears at Serial. No.12 of the list appended to this written statements have already completed over 16 years of temporary service and by virtue of the Banks own circular No.98.91 : 022 dated 12-3-1991 is entitled to be absorbed as regular employees without any test an interview. This is also the case of the other members of the Association and if an enquiry is done, it will be found that they are also entitled to be absorbed on a regular basis.

That it is stated that the Ministry of Finance, Govt. of India, who are the controlling authority in respect of the bank has issued a circular for treating the staffs of non statutory canteen as Central Govt. employees entitling to all the benefits of regular employees. The bank being Central Govt. undertaking the canteen boys are therefore entitled to get regular pay and benefit from the date of their initial appointment.

The workmen has prayed for an award in their favour. on the otherhand the case of the management in brief is as follows:

That this case is not maintainable both in facts and law.

That the Central Bank Canteen Boy's Association has raised this dispute on behalf of Shri Akhil Barman and others and obtained a reference for adjudication without

any valid ground only to harass the bank with the false hope of making wrongful gains. There is absolutely no cause of action for this reference.

That there are staff canteens in different branches of the bank in the N.E. Region. To run the canteens, Canteen Committees are formed and the bank has no control over the management and functioning of the canteens. The staff members of the bank are members of the Canteen Committees for managing the affairs of the same. Shri Akhil Barman and others are canteen employees or canteen boys engaged by the Canteen Committees.

That the bank is under no obligation to provide for canteen service to the staff of the bank and it is the staff of the bank who have set up Canteen Committees for managing the affairs of the canteens. The bank is not required to supervise and control the management and working of the canteens. The bank has no business to direct the manner in which the canteens are to function. The bank has also no right to take any disciplinary action or to direct any canteen employee to do a particular work and the management is under no statutory obligation to run the canteens. It is the Canteen Committees which engage the canteen boys and also terminate their services when needed. In absence of obligation statutory or otherwise regarding running of a canteen by the bank and in the absence of any effective or direct control of the bank to supervise and control the works of the canteen boys the canteen boys of the canteens run by Canteen Committees can never be said to be employees of the bank.

That it is the staff of the bank who themselves set up Canteen Committees for managing the canteens and those Canteen Committees employ the persons for running the Canteens and pay their salaries. The canteens are therefore, not the part of the bank. The canteens are solely established by the staff of their own and managed by the Canteen Committees formed by the staff members of the branch/office in which there is a canteen.

That Shri Akhil Barman and 23 others were engaged by the Canteen Committees and not by the bank and their terms and conditions of engagement as canteen boys were fixed by the Canteen Committees. As stated above these Canteen Committees are not under the administrative control of the bank. Shri Akhil Barman and 23 others are not entitled to claim equal status with that of sub-staff of the bank. Persons claiming equal status as that of sub-staff must have minimum requisite qualification including qualification for being appointed as sub-staff apart from other conditions of appointment as sub-staff. The bank only provides certain subsidy for the purpose of the canteens and the salary paid to the canteen boys are never reimbursed by the bank. Shri Akhil Barman and 23 others were not discharging any function or duties similar to that of sub-staff of the bank. The bank has its own service rules which must be adhered to for the purpose of recruitment to the post of sub-staff and the employment in the bank's

service being public employment, it can not deviate from the established norms for the purpose of recruitment to a post under the bank and that too by back door.

That it will appear from above that the claim of the union for regularisation of Shri Akhil Barman and 23 others in service of the bank in sub-staff cadre is not justified and legal.

The management has prays for an award in its favour.

The main planks of the Canteen Boy's Association for regularisation of their services are:—

- (1) The Association is an union registered under the Trade Union Act, 1926.
- (2) The Management as staff welfare measures and as per their own policy have maintained different canteens at their different branches.
- (3) The said canteens are located inside the bank premises where no outsider, is allowed take meal.
- (4) The bank provides all the facilities to the canteens including the rooms for canteens, the utensils, furniture, electricity, LPG connections etc.
- (5) The canteens are being managed by a Canteen Committee constituted by the employees of each bank.
- (6) The Canteen Committees supervise the activities of the canteens.
- (7) The bank subsidises the salaries paid to the canteen employees.
- (8) The Canteen boys are given I.D Cards and they are engaged in some other works of the bank.
- (9) The management has regularised the canteen boys of the erstwhile Purbanchal Bank after its merger with the Central Bank of India.

The evidence of MW1 Dineswar Zha is no relevant as his evidence (in-chief) is expunged for his non production for cross-examination. In his place the Management examined as MW1 Sri Utpal Boruah, Manager (P) Central Bank of India, Guwahati. He deposed that there are some canteens at different branches of their bank and these canteens are the parts of their bank. He further deposed that the bank management does not supervise the affairs of the canteens but he admitted that the Canteen Committees formed by the employees of the bank run the canteens. He admitted that the Canteen Committees look after the problems and affairs of the canteens' and the Canteen Committees appoint the canteen boys. Further he deposed that the canteens are not parts of the bank and there is no relation between the bank and the canteens. He further deposed that their bank pays some subsidies to the canteen but not for paying the canteen

boys. He ofcourse admitted that the electricity bills of the canteen is paid by the bank. He also proved the Exts. L&M which relate to canteen facilities in the bank. He also proved Ext. N relating to the canteens Ext. O is another circular regarding the running of the canteens Exts. P&Q are also two other circulars regarding canteens.

MW2 is Jaminimohan Rajbangshi a peon of the Central Bank, Bhangagarth. He deposed as to how a sub-staff is appointed by the bank.

WW No. 1 Sri Golak Ch. Das deposed that he is working in the canteen of the Regional Office of Central Bank since 1985. The management has issued I.D. Cards to the Canteen Boys. Ext. C is his I.D. Card. He deposed that the canteens are maintained for the bank staff.

The canteen is within the premises of the bank. No outsider is allowed to take meal in the canteen. The working hour of the canteen is from 10.00 a.m. to 5.00 p.m. This witness also stated that the utensils and LPG cylinders are supplied by the Bank. Ext. D is a letter in this connection. Ext. E is LPG connection Card. Ext. F is a letter written by the bank for purchasing utensils for the canteen. Ext. G is another letter by which the DGM was requested to accord sanction for taking LPG connection and for purchasing Gas Stove. He further stated that the Bank pays his salary by crediting the amount in his Account. The functionings of the canteen are supervised by the Canteen Committee formed by the Bank. He further stated that the canteen boys are engaged by the bank for other works and the Bank pays for such work *vide* vouchers. Ext. His such a voucher. Ext. H(1) is his signature, Ext. I is a receipt. This witness also deposed that the canteen boys of the erstwhile Purbanchal Bank have been absorbed by the Bank after its merger. He further deposed that the Bank issues subsidy to the canteen.

This witness in his cross-examination stated that he is not aware as to whether the Bank has any obligation to run the canteen. WM-2 Sri Khanindra Kr. Sarma deposed that he is working in main branch of the Central Bank, Guwahati as a clerk. There is a canteen in the Branch which is situated within the building in the Main Branch where there are 2 employees. No outsider is allowed to take meal in the canteen. The Committee of the Bank runs the canteen. The committee is constituted with the employees of the Bank. The B.M. of the Branch is the President of the Canteen Committee. The Bank provides the utensils, LPG cylinders. The Bank also supplies the electricity and water to the canteen. The canteen is a mandatory under staff welfare scheme and business development. Exts. J and K are two circulars in this regard. Exts. J(1) and K(1) are the signatures of the signatures of Dy. G.M. and A.G.M.(P) respectively. The canteen remains open during the office hours of the Bank. Ext. C is an I.D. Card. The canteen boys are engaged in other works and they are paid for these works. This witness in his cross-examinations admitted that to be absorbed as sub-staff the canteen boys require

the minimum educational qualification and the Bank holds screening test for such absorption.

Now, from the evidence of the witnesses discussed above, it transpires that the canteens were established in the different branches of the Bank as part of its welfare scheme and as per policy decision. The Bank provided all the facilities to run such canteens. For proper functioning of these canteens the banks formed some committees of their employees and the committees were headed by the heads of the Banks at different levels. The outsiders were not allowed to avail the services of the canteens. The Bank subsidised the expenses of the canteens.

This being the position, the question poses for decision is :— Whether the canteens were the parts of the banks and the employees of the canteens were their employees and whether their claims for regularisation is justified or not?

The answer is : If the Bank has any obligation to maintain the canteen, the canteen becomes part of the banks and the employees of the canteen are the employees of the Bank. The obligation to provide a canteen has to be distinguished from the obligation to provide facilities to run a canteen.

From the documents proved by the union it is seen that the Bank has an obligation to provide a Canteen for its employees convenience, though such an obligation may not be a statutory, obligation and if the bank has any obligation to provide any maintain a canteen, it becomes a part of the establishment and the employees of the canteen become the employees of the establishment. Where, although, it is not statutorily obligatory to provide a canteen, it is otherwise an obligation on the employer to provide a canteen, the canteen becomes a part of the establishment and the workers working in the canteen, the employees of the Management (AIR 1995 SC 1666). The learned counsel for the Association also relied strongly on another case law of the Hon'ble Supreme Court i.e. Indian Overseas Bank Vs. I.O.B. Staff Canteen Workers Union & Another (AIR 2000 SC 1508) wherein it was held by the Hon'ble Court that—when the bank provides all the facilities to run its canteen within its premises, provides subsidies, the working hours and days of the canteen are strictly as per bank's own working hours and days, outsider is allowed to take meal, subsidy @ Rs. 12.50 per member of the staff using the canteen were given, the canteen becomes a part of the Bank though the canteen is being run by promoter.

The learned counsel for the Association also strongly relied on another case law in support of his arguments which is :—

“National Thermal Power Corporation Ltd. Vs. Karri Pothurajee and Others (AIR 2003 SC 3647) . The learned counsel also relied on another case law of the Hon'ble Supreme Court i.e. M.M. Khan and others Vs. Union of India and Others (AIR 1990 SC 937).”

The learned counsel for the Management mainly argued that there is no jural relationship between the canteen boys and the Bank and therefore can not claim for regularisation. The learned counsel relied on the case law of State Bank of India and others Vs. State Bank of India Canteen Employees Union (Bengal Circle) and Others (AIR 2000 SC 1518).

Considering the materials available before me, I am constrained to hold that the claim of the Canteen Boys' Association for regularisation of their service as sub-staff is justified. The Management is directed to regularise the services of the canteen boys from the dates of their respective appointments and to pay them appropriate pay scales from the dates of their regularisation. The reference is answered accordingly.

Given under my hand and seal on this the 17th day of December, 2005.

B. BORA, Presiding Officer

नई दिल्ली, 13 जनवरी, 2006

का.आ. 603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 60/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं. एल-12012/48/2002-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 603.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2002) of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workmen, which was received by the Central Government on 9-1-2006.

[No. L-12012/48/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 3rd November, 2005

Present : K. JAYARAMAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 60/2002

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10

of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Overseas Bank and their workmen)

BETWEEN:

- | | | |
|-----------------------------|---|-----------------------------|
| 1. A. Nagappan (deceased) | : | I Party/Petitioners |
| 2. Smt. Indira | * | [impleaded as |
| 3. Ms. N.I. Sahitya Lakshmi | * | Petitioners vide |
| 4. N.I. Anilkumar (minor) | * | I.A. 18/2005 dt. 14-6-2005] |

AND

The Assistant General Manager : II Party/ Management
Indian Overseas Bank, R.O.
Nagercoil.

APPEARANCES:

- | | | |
|---------------------|---|--|
| For the Petitioners | : | M/s. T. Fenn Walter &
Associates. Advocates |
| For the Management | : | M/s. NGR Prasad.
Advocates |

AWARD

The Central Government, Ministry of Labour vide order No. L-12012/48/2002-IR(B-II) dated 28-06-2002 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

“Whether the compulsory retirement made by the Indian Overseas Bank to Shri A. Nagappan is legal and justified? If not, what relief the workman is entitled to?”

2. After the receipt of the reference, it was taken on file as I.D. No. 60/2002 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. This dispute was raised in the year 2002. Subsequently it was disposed by me at the first instance on 14-1-2004. Then it was restored and posted for several hearings for enquiry. Again, the Petitioner was set ex-parte on 29-6-2004. Then again, the LR of the first Petitioner have filed the petition to set aside the ex-parte order and it was allowed and again for the third time neither the Petitioners nor the counsel for the petitioners appeared before this Court and hence the Petitioners are called absent and set ex-parte.

4. From this, it is clear that the Petitioners are not interested to proceed with enquiry in this dispute. Therefore, I find the Petitioners have not substantiated their claim and as such, they are not entitled to any relief. No Costs.

5. Thus, the reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 3rd November, 2005.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined : None
On either side

Documents Marked : Nil
On either side

नई दिल्ली, 13 जनवरी, 2006

का.आ. 604.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चैन्नई के पंचाट (संदर्भ संख्या 107/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2006 को प्राप्त हुआ था।

[सं. एल-12011/49/2003-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 13th January, 2006

S.O. 604.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Indian Bank and their workmen, received by the Central Government on 9-1-2006.

[No. L-12011/49/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 28th November, 2005

PRESENT: K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 107/2003

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their workmen]

BETWEEN

The General Secretary, : I Party/Claimant
Indian Bank Employees
Association, Chennai

AND

The Regional Manager, : II Party/Management
Indian Bank, Vellore

APPEARANCE:

For the Claimant : M/s. D. Hariparanthaman,
Advocate

For the Management : M/s. King & Partridge,
Advocates

AWARD

The Central Government, Ministry of Labour vide Order No. L-12011/49/2003-IR(B-II) dated 9-6-2003 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

“Whether it is a fact that Sri Palani, Temporary Sub-staff was engaged by the management of Indian Bank

during the period from 20-2-90 to 20-2-2000? If so, whether the action of the management in disengaging/discontinuing from services is justified and legal? If not what relief is the disputant concerned entitled to? Whether the demand of the Indian Bank Employees' Association for regularisation of the service of Sri Palani, temporary sub-staff by the management of Indian Bank is legal and justified? If not what relief the workman is entitled to?

2. After the receipt of the reference, it was taken on file as I.D. No. 107/2003 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement.

3. The allegations of the Petitioner Association in the Claim Statement are briefly as follows:—

Sri M. Palani, one of the member of Petitioner Association and the concerned employee in this dispute was engaged at Jolarpettai branch of erstwhile Bank of Thanjavur as a temporary sub-staff from 10-2-89. The II Party/Management has taken over the said Bank of Thanjavur including the Jolarpettai branch and the concerned employee was continued to be engaged as a temporary sub-staff and he has worked upto 29-2-2000. He was utilised as regular sub-staff including for cash remittance work. During February, 2000 he was stopped and he was not allowed to perform work without any notice or reason. Even though he has submitted application as called for by the Respondent/Bank, he was not empanelled as temporary sub-staff. During 1998 the permanent sub-staff of Jolarpettai branch has retired and the post was not filled up and the sub-staff deputed from a nearby branch did not join duty. In the said vacancy, the concerned workman was engaged on permanent basis and he was carrying out the work of permanent sub-staff till he was illegally terminated and disengaged from service on 20-2-2000. The said permanent post was also continued to exist. Even though he has given representation to the management, there was no response from the Respondent and hence, the Petitioner union has raised the dispute before Assistant Labour Commissioner (Central). Since the conciliation ended in failure, the matter was referred to this Tribunal. The action of the Respondent/Bank in terminating the services of the concerned workman is illegal, unjust and arbitrary. Further, it amounts to unfair labour practice within the meaning of Section 2(r)(a) read with item 10 of V schedule to the I. D. Act. The action of the II Party/Management in not including the name of workman concerned in the panel of temporary sub-staff is also arbitrary. The concerned employee who worked for more than ten years with artificial break so as to deny him continuous service and protection give under the provisions of I.D. Act. If the Sundays and holidays and artificial breaks are included, he has put in for more than

240 days of service in many years. Hence, for all these reasons, the Petitioner union prays this Tribunal to pass an award reinstating the concerned employee as a permanent/regular sub-staff with continuity of service, back wages and other attendant benefits.

4. In the Counter Statement, the Respondent alleged that the Respondent/Bank has got some prescribed procedure to employ temporary sub-staff. Firstly, the Respondent/Bank has to call for list of eligible candidates from the employment exchange; the candidate sponsored by employment exchange fulfilling the eligibility criteria will be called for interview; and after interview, the selection of candidates must be approved by the Zonal Manager of respective zone for the purpose of keeping them in panel. Empanelled sub-staff will be engaged whenever permanent sub-staff was on leave or any necessity arose. In this case, the concerned employee namely Sri P. Palani was not sponsored through employment exchange, not undergone usual selection process and was not empanelled in the list. In February, 1990 Bank of Tanjore was merged with Respondent/Bank. Upto February, 1990 the said Mr. Palani was engaged by the Bank of Tanjore for a period of 147 days and he was engaged by Jolarpet branch of Respondent/Bank in the year 1990 for 55 days, for the year 1991—110 days, for the year 1992—101 days, for the year 1993—104 days for the year 1994—137 days, for the year 1995—158 days, for the year 1996—170 days, for the year 1997—144 days, for the year 1998—140 days, for the year 1999—188 days and for the year 2000—18 days. Thus, the concerned employee has not worked for 240 days of continuous service in any period of 12 calendar months and therefore, he is not entitled to any benefits under I. D. Act. The Branch Manager of the Respondent/Bank should only engage persons from empanelled list but contrary to the said circular, the said Palani was engaged directly by the Branch Manager on daily wage basis without any authority. In any event, since the concerned employee has not completed continuous service as defined under Section 25B of the I. D. Act, the question of retrenchment compensation, notice or notice pay does not arise at all. The allegation that he has completed 412 days upto 20-2-90 is not correct. Even though on the retirement of permanent staff, the concerned employee was engaged, it is not correct to say that he was the only person engaged as temporary sub-staff and one Mr. Selvakumar was also engaged and the concerned employee was not engaged continuously and it is not correct to say that he was engaged in permanent vacancy continuously. Thus, after the retirement of permanent sub-staff, the concerned employee was engaged along with casual labour one Mr. Selvakumar and the concerned employee was not engaged continuously and it is not correct to say that he was engaged in permanent vacancy continuously. Thus, after the retirement of permanent sub-staff the concerned employee was engaged along with casual labour depending upon their availability. Even the Supreme Court and other

High Courts have clearly stated that persons engaged on daily wages cannot claim regularisation and their disengagement cannot be termed as retrenchment under Section 25F of the I.D. Act. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. Again, in the rejoinder, the Petitioner contended that the concerned employee Mr. Palani was already employed as temporary sub-staff by Bank of Tanjore at Jolarpet branch and he was continued to be employed as such even after the amalgamation and take over of the said branch. Therefore, it was not a fresh appointment or recruitment and hence, the contention that he was not appointed through employment exchange is in correct. Further, the appointment through employment exchange is not applicable in the case of sub-staff/peon. When large number of temporary sub-staff who were not appointed through employment exchange were regularised and made permanent, denying permanency to concerned workman and terminating his service is discriminatory and arbitrary. After 1998 on the retirement of sub-staff, he was paid wages in his own name and also in the name of Mr. Selvakumar @ Kumar with a *mala fide* intention to avoid continuous service. In fact, no such person by name Selvakumar ever worked in Jolarpet branch. Therefore, after 1998, the concerned employee was employed continuously as sub-staff in the name of Palani, Selvakumar and Kumar and thus put together he has put in 240 days of continuous service. Hence, he prays an award in his favour.

6. Again, the Respondent in its reply contended that the Petitioner even before the Assistant Labour Commissioner (Central) and also in Claim Statement has not stated that he has completed 240 days of continuous service in a period of 12 calendar months. Further, the permanent sub-staff posted from Karimangalam branch on transfer had already joined at Jolarpet branch and working there as such, there was no vacancy at Jolarpet branch. The new contentions put forth by the Petitioner in rejoinder are deliberate false statements to project a false case and it is abuse of process of law. Hence, the Respondent prays that the claim may be dismissed.

7. In such circumstances, the points for my determination are—

1. "Whether it is a fact that Mr. Palani, concerned employee was engaged by the Respondent/Management during the period from 20-2-1990 to 20-2-2000?"
2. Whether the action of the management in disengaging/discontinuing from service is justified & legal?
3. Whether the demand of the Petitioner Union for regularisation of Sri Palani by the Respondent/Management is legal and justified?
4. To what relief the concerned employee is entitled?"

Point No. 1 :—

8. With regard to point No. 1, it is an admitted fact that the concerned employee Sri Palani was engaged by Bank of Tanjore even in the year 1989 and as per circular issued by the Respondent/Bank, temporary employees engaged by Bank of Tanjore were also taken into service of the Respondent/Bank and further, even in the Counter Statement, it is admitted by the Respondent/Bank that Mr. Palani was engaged by the Respondent/Bank from the year 1990 to 2000. Though it is alleged that his appointment was only a casual and he has not completed 240 days in a continuous period of 12 calendar months, it is admitted that he has worked from the year 1990 in the Respondent/Bank at Jolarpet branch. Under such circumstances, I find this point in favour of the Petitioner.

Point Nos. 2 & 3 :—

9. It is contended on behalf of the Petitioner that the concerned employee was paid Rs. 30 per day as wages and he has worked for more than 1532 days from 20-2-1990. It is his further contention that during 1998, permanent sub-staff of Jolarpet branch retired from service and the vacancy caused due to his retirement was not filled up. A sub-staff deputed from nearby branch did not join duty in the said vacancy and the concerned employee was engaged on permanent basis and he has carried out the work till he was illegally terminated or disengaged from service on 20-2-2000 and in the rejoinder, the Petitioner contended that after 1998 i.e. after retirement of permanent sub-staff, he was paid wages in his own name and in the name of Selvakumar and Kumar with mala fide intention to avoid continuous service and permanent status and also privileges available to permanent sub-staff and in fact, no such person by name Selvakumar ever worked in Jolarpet branch. Therefore, after 1998 he was continuously employed in the name of Palani, Selvakumar and Kumar and if they put together, he has put in more than 240 days of continuous service and therefore, he is entitled to the benefits.

10. On behalf of the Petitioner 11 documents were marked, but the concerned employee has not examined himself. Ex. W1 is the copy of employment particulars of concerned employee from 1993 to 10-3-2000. Ex. W2 is the copy of dispute raised by the concerned employee before Assistant Labour Commissioner (Central). Ex. W3 is the copy of remarks filed by II Party/Management. Ex. W4 is the rejoinder filed by the Petitioner. Ex. W5 is the copy of reply given by II Party/Management. Ex. W6 is the copy of reference issued by Government of India. During the pendency of enquiry, the Petitioner filed an application for production of documents and the Respondent has produced certain documents which are marked as Ex. W7 to W10. Ex. 7 is the copy of letter sent by Respondent/Bank to Branch Manager, Jolarpet. Ex. W8 to W10 are copies of vouchers of Respondent/Bank branch at Jolarpet for the year 1999. Ex. W11 is the copy of letter from Manager

of Jolarpet branch to Central Office, Personnel department forwarding application of Mr. Palani. Ex. W12 is the copy of circular issued by Respondent/Bank on 20-3-1990.

11. As against this, on the side of the Respondent, then Manager, Mr. Moorthy was examined as MW1 and inspecting staff Mr. D. Somasundaram was examined as MW2. On the side of the Respondent circular issued by the Respondent/Bank dated 30-9-98 is marked as Ex. M1 and copy of circular issued by Respondent dated 4-3-83 as Ex. M2.

12. Learned counsel for the Petitioner contended that from the documents produced by the Respondent namely Ex. W7 to W10, it is clearly established that the Petitioner worked in Jolarpet branch from the year 1998 i.e. from the date of retirement of permanent sub-staff continuously. Though he had worked as sub-staff in the permanent vacancy he was given wages in his name as well as in the names of Selvakumar and Kumar. It is the case of the Petitioner union that there was no Selvakumar or Kumar by name worked in that branch and only with a mala fide intention to avoid continuous service of the concerned employee, wages were given in the names of Selvakumar and Kumar to the concerned employee and from Ex. W7 it is clear that no such person by name Mr. Selvakumar was ever worked in Jolarpet branch. Learned counsel for the Petitioner further contended that though MW2 was examined in this case namely supervising inspector, who has written a letter to the Regional Office stating that Mr. Palani has been paid wages for 18 days in his name and for rest of the days, wages were paid to Mr. Palani in the name of Selvakumar and Kumar and in his evidence before this Tribunal, he has stated that he has sent his inspection report only with oral statement given by Mr. Palani and he has not examined anybody else in the bank.

13. But, I find only to nullify the documentary evidence, this witness was examined and he has failed in his attempt because it is clearly established that under Ex. W7 Mr. Palani has been paid wages for 18 days in his name and for rest of the days, wages were paid to Palani in the names of Selvakumar and Kumar. For this explanation was called for from the concerned Manager, who was examined in this case as MW1. Though he has stated that he has given an explanation under Ex. W7 series, he has stated that from 1-10-98 onwards there was no sub-staff in that branch and in these circumstances, he had to engage the said Mr. Palani for all these days. He has not denied inspecting report that Mr. Palani was paid wages after 18 days in the names of Selvakumar and Kumar. It is admitted by MW1 that there was no regular sub-staff in the branch during that period. Under such circumstances, it is clearly established by the Petitioner that concerned employee namely Mr. Palani was regularly appointed from 1-10-98 to 2000 and he was paid wages in his name and in the names of Selvakumar and Kumar.

14. In these circumstances, learned counsel for the Petitioner relied on the rulings reported in 2002 4 LLN 1143 wherein the Madras High Court while considering the similar circumstances has held that the case of the Petitioner is that after 27-3-1985, his employment was recorded by Respondent in the time cards under various names in order to avoid regularisation of his service. The Petitioner took several 'avatars' as M. Sakthivel, M. Ajubudin, M. Mariappan, M. Kalaiselvan, M. N. Mohan, M. Mohanraj, S. Shanmugam, M. Kandaswamy, A. Anand, M. Chandran, M. Kumar, M. Singaram, M. Chandrasekaran etc. According to the Petitioner his service was continuous without any break except for an artificial break. Again he was issued time card under canvasser names and he produced vouchers from the department bearing signature of Branch Manager or higher officials In such case, if it is not an unfair labour practice, it is difficult to assume what more can be the unfair labour practice. The Petitioner worked from 1984 and the Respondent Corporation shall consider his claim for conferment of permanent status in accordance with law keeping in mind the observations of this Court in this judgement. From this judgement, it is clear that in a like circumstances, the Respondent has to consider the claim of regularisation of concerned employee and therefore, the concerned employee is entitled to the claim made by the Union.

15. But, as against this, learned counsel for the Respondent contended that though the Petitioner has stated that he worked from 1990 to 2000, all along his case was that he has not worked for more than 240 days in any one of the calendar years. By filing rejoinder, he has stated that he has worked under different names from 1998 and he has completed 240 days. But this kind of statement cannot be taken in a rejoinder and it is only to wriggle out the situation, he has taken this stand and therefore, this Tribunal cannot take cognisance of the contention of the Petitioner. Further, he has relied on the rulings reported in 1979 11 LLJ 194 Shankar Chakravarti Vs. Britannia Biscuit Co. and Another wherein Three Members Bench of Supreme Court has held that "Section 11C confer powers under Code of Civil Procedure on Labour Court or Industrial Tribunal in respect of matters therein specified. Labour Court or Tribunal would then proceed to decide the lis between the parties. It has to decide the lis on the evidence adduced before it. It would not be open to it to decide the lis on any extraneous considerations. Justice, equity and good conscience will inform its adjudication. Therefore, Labour Court or Industrial Tribunal has all the trappings of a Court.....Obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be who would fail if no evidence is led. It must seek an opportunity to lead evidence and lead evidence. The contention to substantiate which evidence is necessary has to be pleaded. If there is no pleading raising a contention, there is no question of

substantiating such a non-existing contention by evidence. "Relying on this decision, learned counsel for the Respondent contended that all along the Petitioner before the labour authorities and before filing of rejoinder statement, he stated that he has not completed 240 days in a continuous period of 12 calendar months and after filing of Counter Statement by the Respondent, he has filed rejoinder stating a new case that he has worked after October, 1998 in different names and he has completed more than 240 days and therefore, he is entitled to the benefits, but he has not come before this Tribunal to give such evidence and therefore, this Tribunal cannot look into the contention of the Petitioner in the rejoinder statement.

16. Though, I find some force in the contention of the learned counsel for the Respondent in the Claim Statement he has stated the concerned employee worked from October, 1998 continuously and he further stated that no regular sub-staff was employed in Jolarpet branch and he has worked continuously in the regular vacancy. Though this statement of the Petitioner union has been denied by the Respondent, from the documents produced by Respondent side and also evidence of MW1, it is clear that there was no permanent sub-staff appointed after the retirement of regular sub-staff at Jolarpet branch from October, 1998. Under such circumstances, it is clearly established by the Petitioner that after 1998 he worked in regular vacancy continuously and he has completed more than 240 days in a continuous period of 12 calendar months and he has taken several 'avatars' to receive wages.

17. Then again, learned counsel for the Respondent contended that even assuming that he was appointed as sub-staff in Respondent/Bank branch at Jolarpet his appointment itself is not valid since his appointment was irregular and his appointment was made in contravention of circulars issued by Respondent/Management. Therefore, it could be illegal and his services cannot be regularised by the Respondent and hence, he is not entitled to any relief. Further, he relied on the rulings reported in (1) 2004 7 SCC 112 A. Umarani Vs. Registrar, Co-Operative Societies and Others; (2) 2005 1 LLJ 343 Union of India and Vs. Ilango; (3) 1997 11 LLJ 381 Union of India and Others Vs. Bishamber Dutt; (4) 1997 4 SCC 88 State of U.P. and others Vs. Ajay Kumar and (5) AIR 1992 SC 789 Delhi Development Horticulture Employees' Union vs. Delhi Administration and Others. In the first judgement cited above, the Supreme Court has held that "when appointments were made in contravention of mandatory provisions of the Act and statutory rules framed thereunder and in ignorance of essential qualifications, the same would be illegal and cannot be regularised by the State." In the second judgement, it is observed by the Madras High Court that when there were no existing posts or vacancies against which the workmen could claim to have been appointed

and further the Writ Petitioners (workmen) initial entry was unauthorised, the question of termination of their service without notice or enquiry would not therefore arise..... In the above circumstances, survive for consideration cannot arise." In the third judgement, the Supreme Court has held that the Respondents were not appointed to regular, post after selection according to rules and they were appointed as part time employees de hors the rules. Pursuant to enquiry, whether temporary status should be granted to the part time employees, directions were issued by the Ministry of Personnel, Public Grievances and Pension, wherein, it is mentioned that such part time employees are not entitled to temporary status, since they were not appointed on regular basis in accordance with rules and the direction issued by Central Administrative Tribunal to regularise the service is obviously illegal. Unless a person is appointed on regular basis according to rules, after consideration of the claims on merits, there is no question of regularisation of the services." In the fourth judgement, the Supreme Court has held that "daily wage appointment will obviously be in relation to contingent establishment in which there cannot exist any post and it continues so long as the work exists. Under these circumstances, the Division Bench of the High Court was clearly in error in directing the appellant to regularise the service of the Respondent, who was working as nursing orderly on daily wages to the post as and when the vacancy arises and to continue him until then." In the last judgement, the Supreme Court has held that "Although there is Employment Exchange Act which requires recruitment on the basis of registration in Employment Exchange, it has become a common practice to ignore the Employment Exchange and the persons registered in the Employment Exchange and to employ or get employed directly those who are either not registered with the Employment Exchange or who though registered are lower in the long awaiting list in the employment register. The Courts can take judicial notice of the fact that such employment is sought and given directly for various illegal consideration including money. The employment is given first for temporary periods with technical breaks to circumvent the relevant rules and is continued for 240 or more days with a view to give the benefit of regularisation knowing the judicial trend that those who have completed 240 or more days are directed to be automatically regularised. A good deal of illegal employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the Employment Exchange for years. Not all those who gain such back door entry in the employment are in need of the particular jobs". Relying on these judgements, learned counsel for the Contended that in this case, the Petitioner is not appointed as per recruitment rules of the Respondent/Management and his appointment is irregular and against the circular issued by the Central office and Under such circumstances,

even assuming for argument sake that he has worked continuously for long number of years, it cannot be taken into consideration and therefore, the concerned employee is not entitled to any relief.

18. Though I find some force in the contention of the learned counsel for the Respondent all the decisions relied on by the learned counsel for the Respondent were not arising out of industrial law. They have arisen from Writ Jurisdiction of High Court. But, in this case, the Petitioner has clearly established that the concerned employee was employed by Bank of Tanjore even in the year 1989 and as per circular issued by Respondent/Management, his appointment was continued even after amalgamation of Bank of Tanjore with the Respondent/Bank. Under such circumstances, it cannot be said that his appointment is irregular. No doubt, the concerned employee was not in temporary sub-staff panel. But, from the records produced by the Petitioner and also Respondent, it is clear that all the Managers of the Respondent/Bank had written to the Respondent/Management since there was no regular sub-staff in the Respondent/Bank branch at Jolarpet and since the concerned employee was engaged continuously in that branch, it was requested by all the Managers that the concerned employee's service should be regularised and he can be included in the said panel. But, the Respondent/Management has not taken anything in that direction. But, all of a sudden, he has been terminated from service. Under such circumstances, I find there is no point in the contention of the learned counsel for the Respondent that concerned employee's services should not be regularised in temporary sub-staff cadre. Under such circumstances, I find the point Nos. 2 and 3 against the Respondent/Management.

Point No. 4 :—

The next point to be decided in this case is to what relief the concerned employee is entitled ?

19. In view of my above findings that the termination of the concerned employee is illegal, I direct the Respondent/Management to reinstate the concerned employee into service with continuity of service and he is entitled to 50% back wages. No Costs.

20. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th November, 2005).

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

For the I Party/Claimant	: None
For the II Party/Management	: MW 1 Sri C. Moorthy MW 2 Sri V. Somasundaram.

Documents Marked :—**For the I Party/Claimant :—**

Ex. N	Date	Description
W 1	1993-2000	Xerox copy of the employment particulars of Concerned employee
W 2	9-4-01	Xerox copy of the dispute raised before Assistant Commissioner of Labour (Central)
W 3	30-11-01	Xerox copy of the remarks filed by Respondent/Bank
W 4	20-1-02	Xerox copy of the rejoinder filed by Petitioner
W 5	28-1-02	Xerox copy of the reply given by Respondent
W 6	9-6-03	Xerox copy of the order of reference
W 7	Nil	Xerox copy of the internal correspondence regarding Regular inspection of Jolarpet branch
W 8series	Nil	Xerox copy of the voucher issued to sub-staff of Jolarpet branch
W 9series	Nil	Xerox copy of the voucher issued to sub-staff of Jolarpet branch
W 10series	Nil	Xerox copy of the voucher issued to sub-staff of Jolarpet branch
W 11	6-1-93	Xerox copy of the letter from Branch Manager, Jolarpet To Central Office forwarding application of Concerned employee
W 12	20-3-90	Xerox copy of the circular memo issued by Respondent To erstwhile Bank of Thanjore branches.

For the II Party/Management :—

Ex. No.	Date	Description
M 1	30-9-98	Xerox copy of the circular issued by Ministry of Finance
M 2	4-3-83	Xerox copy of the circular issued by Respondent/Bank.

नई दिल्ली, 16 जनवरी, 2006

का.आ. 605.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑल इंडिया रेडियो के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 218/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-1-2006 को प्राप्त हुआ था।

[सं. एल-42012/159/1989-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 16th January, 2006

S.O. 605.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 218/98) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of All India Radio and their workman, which was received by the Central Government on 16-1-2006.

[No. L-42012/159/1989-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. RAI

I. D. NO. 218/1998

In the matter of :—

Shri Chander Pal,
C/o General Secretary,
Delhi Labour Union,
Aggarwal Bhawan,
G. T. Road, Tis Hazari,
New Delhi.

Versus

The Chief Engineer (R & D),
All India Radio,
Indraprastha Estate,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-42012/159/89-IR (DU) Central Government Dt. 30-10-1998 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of All India Radio, New Delhi in terminating the services of Shri Chander Pal is legal and justified? If not, to what relief the workman is entitled?”

The workman applicant has filed claim statement. In the claim statement it has been stated that Shri Chander Pal joined into the employment of the All India Radio w.e.f. 18-4-1986 as a Safai Karamchari at the office of the Chief Engineer (R&D), All India Radio, Indraprastha Estate, New Delhi. He was being treated as monthly paid/muster roll worker and was being paid his wages as fixed and revised from time to time under the Minimum Wages Act

by the appropriate Government for unskilled casual workers. He was being paid wages monthly and not daily. He had to report for duty at proper time and after performing eight hours normal duties he was relieved every day. While his counter parts doing the identical work and the work of the same value but being treated as regular employees were being paid their salary in the pay scale of Rs. 750-940 with usual allowances admissible under the rules. The said pay scale allowances are admissible under the rules w.e.f. 1-1-1986. The said regular employees were also enjoying other benefits like uniform, EL, CL, Gazetted/Festival/Restricted Holidays and Medical Leave etc. which were completely denied to the workman aforesaid. He has unblemished and uninterrupted record of service to his credit.

That the services of the aforesaid workman have been terminated w.e.f. 2-5-1987 is wholly illegal, bad, unjust and malafide for the following amongst other reasons :—

1. That the job against which the aforesaid workman was working is of regular and permanent nature of job. He has worked for more than 240 days continuously, during the period from 18-04-1986 to 01-05-1987.
2. That employing persons on regular nature of jobs and treating them as monthly paid/casual/muster roll workers and paying them lesser remuneration than those doing the identical work and the work of same value amounts to unfair labour practice as provided in Section 2 (ra) read with item No. 10 of Vth Schedule and read with Section 25 T punishable under Section 25 U of the ID Act, 1947.
3. That it is violative of Article, 14 16 and 39(d) of the Constitution of India.
4. That it amounts to sheer exploitation of labour.
5. That the management of All India Radio has not framed any rules or regulations nor get it passed by the UPSC and nor notified in the official Gazette for governing the service conditions of the monthly paid/muster roll/part-time/seasonal workers nor it has any certified standing Orders, governing service conditions of such workers and therefore, the Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946 are applicable to the workman and the management of the All India Radio.
6. That the workman aforesaid has acquired the status of a permanent employee from the initial date of his joining into the employment i.e. 18-04-1986 after completing 90 days of continuous employment as provided in the Model Standing Orders framed under the Industrial Employment (Standing Orders) Act,

1946. Even otherwise, the workman has acquired the status of a permanent employee from the initial date of his joining into the employment after completing 240 days of continuous employment and is deemed to have been taken into the employment on regular basis as has been held by the Hon'ble High Court of Delhi in case of Harish Kumar vs. Registrar, Delhi High Court.

7. That no memo or charge sheet was served and no domestic inquiry was conducted against him. He was not afforded any opportunity of being heard and was disallowed duties arbitrarily. The workman aforesaid has not committed any misconduct whatsoever.
8. That the workman aforesaid has been meted out with hostile discrimination as juniors to him have been retained in service and he has been thrown out of job. For example, Smt. Pushpa, Safai Karamchari was junior to the aforesaid workman who is still continuing in service.
9. That new fresh hands have also been employed after the termination of the services of the aforesaid workman.
10. That in case of retrenchment no seniority list was displayed, no notice was given, no notice pay was offered and no service compensation was either offered or paid to the workman at the time of termination of service. Even the earned wages for the month of April, 1987 were paid to him much after the termination of the workman from services.
11. That the impugned termination of services is violative of section 30 of the Delhi Shops and Establishments Act, 1954 and the rules made thereunder. It is also violative of Section 25 F, G and H of the ID Act, 1947 read with Rules 76, 77 and 78 of the Industrial Disputes (Central) Rules, 1957.
12. That even otherwise the action of the management amounts to unfair labour practice as provided in Section 2 (ra) read with item No. 5 of the Vth Schedule of the Industrial Disputes Act, 1947.
13. That it is violative of Section 25 N of the ID Act, 1947 as the management has not obtained any permission from the appropriate Government for effecting the retrenchment of the aforesaid workman.

That the workman aforesaid is unemployed since 20-05-1987 despite his best efforts to get a job elsewhere.

That the demand notice was served upon the Chief Engineer (R&D), All India Radio, Indraprastha Estate,

New Delhi by registered A/D post vide communication dated 25th February, 1989 duly received in his office. A reply dated 28-03-1989 was received from the management but the same was not satisfactory and, hence it was presumed that the demand has been rejected. Thereafter, the dispute was raised by filing a statement of claim before the conciliation officer, (C) New Delhi on 17th April, 1989. The Conciliation proceedings were initiated but resulted in failure because of the adamant and non-co-operative attitude of the management. Hence this reference.

The management has filed reply to the claim statement. In the reply it is stated that the petitioner has not come to the Court with clear hands. He is not entitled to the relief claimed in the claim. Hence the present statement of claim is liable to be dismissed with cost.

That the petitioner at no point of time was liable to be considered for regularization since he was a casual labourer. He was engaged on need basis and his services dispensed with when there was no need of his services. Therefore, the present dispute has been rightly refused. Applicant cannot claim for regularization after 13 years of discontinuation of his engagement as casual basis.

The management has further stated that the petitioner was engaged as casual labourer with the office of Chief Engineer (R&D), Research Department, All India Radio and Doordarshan, I. P. Estate, Ring Road, New Delhi-2 on 18-04-1986 and he actually worked for 168 days in the year 1986 and 60 days in the year 1987. He was engaged as casual labourer depended upon work necessity basis which was purely of casual nature. Once the job for which the labourer has been engaged, is over his services have to be dispensed with. So is the case of the petitioner. He was engaged on daily wages basis and not monthly wages basis. His daily wages were being paid to him after completion of the month on muster rolls. It is accordingly denied that he was paid fixed monthly wages. Being a daily wagger he cannot be compared with regular appointed employees against the regular sanctioned posts of safaiwala.

His services were dispensed with when the job for which he was engaged, was over. (i) & (ii) of the petition is wrong and denied. It is specifically denied that the termination of services is illegal, bad, unjust and malafide. The petitioner was not working against the job of any regular or permanent nature. He was engaged on purely casual basis for casual safai works occurred due to repair and maintenance of room/desert coolers and cleaning of stores junk rooms etc. and discontinued when the said works were completed.

As submitted above in the brief facts, there already exists a Scheme (Annexure R-I) for the casual labourers working in the offices of All India Radio in Delhi for their deployment as and when necessity arises and also for their regularization if they fulfill the eligibility conditions laid down in the scheme.

He was engaged on purely casual basis and as per scheme introduced by the management of All India Radio he does neither possess requisite educational qualification nor has completed requisite number of days of casual working to be eligible for consideration for regularization as safaiwala.

Smt. Pushpa, reference of which has been made in the para was appointed on regular basis against a regular post, who has come through proper recruitment channel in accordance with the statutory recruitment rules. As she was never engaged on casual/daily basis, her case is not comparable with the applicant.

That the petitioner was only a casual labourer engaged for specific job on daily wages basis. As All India Radio was not declared/held Industry at the time of discontinuing the casual engagement of the applicant hence the provisions of ID Act, 1947 could not be applied to him. If the applicant has not got any job even on daily wages since 1987 he could not have survived till date. Even it is admitted to be true it reflects that he was not found suitable/qualified for any job even on daily wages.

The petitioner was engaged on purely casual basis for specific purposes i.e. for casual safai works which occurred due to repair and maintenance of room coolers/desert coolers and cleaning of stores, junk room etc. For this work his name was sponsored by the employment exchange, Kamala Market, New Delhi which deals with deployment of casual labourers only. It is pertinent to know that in order to consider the petitioner for regularization he has to fulfill the conditions as specified in the memo No. 11/58/86. S.II, dated 4/9-7/86 (marked as Annexure R-II) regarding engagement of casual labourers—appointment of casual labourers against regular group "D" posts in AIR. In accordance with the said Memorandum, the petitioner must have put in at least two year service i.e. 206 days in each year i.e. 412 days in two years continuously in the office observing 5 days week. For ready reference column viii of the memorandum is reproduced as under :—

"That in the organizations observing 5 days week, casual workers may be considered for regular appointment to group "D" posts, if otherwise eligible, if they have put in two years service as casual workers with 206 days of service during each year (as against the usual 240 days). Ministry of Home Affairs (DP&AR)'s O.M. No. 49014/19/84-Estt. (C) dated 26-10-1984.

As the applicant had not completed requisite number of casual engagement he is/was not eligible for consideration for regularization or appointment on regular basis in the post of safaiwala. It is also brought out that in accordance with notified recruitment rules (Annexure-R-III) only those persons who are within the age limit of 18-25 years and possess at least 5th standard pass educational qualification are eligible for appointment on regular basis in the post of Safaiwala. As the applicant did not furnish

any documents to possession of the aforesaid educational qualification he is considered not eligible and not suitable for regular appointment as Safaiwala. Accordingly when the work for which he was engaged on casual basis was over, his casual engagement was discontinued.

The applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement of the management.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It is admitted case by both the parties that the workman was engaged on 28-04-1986 as casual labour. It is also admitted that his services were terminated on 03-05-1987. He has worked continuously from 28-04-1986 to 02-05-1987 as such in a calendar year of 1986 he has worked for more than 240 days. The management has issued Identity Card to him dated 04-04-1986 and management has admitted in his reply before the Conciliation Officer that he was engaged on 18-04-1986 and his services were discontinued w.e.f. 02-05-1987 as his services were no longer required. So it is established that the workman was removed from his service on 02-05-1987 as his services were no longer required.

The substantial question is whether his work was need based and he was employed as per exigencies of work. The management witness has admitted that the workman was working on the post of Safai Karamchari on regular basis in the management. The management witness has also admitted that there are workmen working on the post of Safai Karamchari in the management. Witnesses has also admitted that Smt. Pushpa is working on the post of Safai Karamchari in the management. He has further stated that he cannot say whether Smt. Pushpa joined her services after the termination of the services of the workman. He has also stated that there is no attendance register of casual workers. He has also stated that no compensation was paid to the workman at the time of termination of his services. So it becomes admitted case of the management that there is work of Safai Karamchari and workmen have been working on the post of Safai Karamchari. The case of the workman is that Smt. Pushpa was junior to the workman applicant and she has been retained and given regular appointment but discrimination has been made with this workman.

It was submitted from the side of the workman that he has completed 240 days as per the admission of the management and he has been paid retrenchment compensation. This fact has also been admitted by the management. As such in the circumstances of the case Section 25 F of the ID Act is attracted.

It was submitted from the side of the management that as per Statutory Rules and Guidelines of the DOP&T OM dated 26-10-1984 Group "D" employees cannot be

appointed without being sponsored by Employment Exchange and they should have minimum of two years experience. They should have worked for two consecutive years for 240 days.

It was further submitted from the side of the management that it has been held in Himanshu Kumar Vidyarthi & State of Bihar, JT 1997 (4) SC 560 that every department of the Government cannot be treated to be Industry. When the appointments are regulated by the Statutory Rules the concept of the Industry to that extent stand expanded. It has been also held by the Hon'ble Supreme Court that the temporary employees are engaged on the basis of need of work.

In the instant case the workman was not engaged on the basis of need of work. He has worked continuously from 18-04-1986 to 02-05-1987 and the management witness has admitted that there is work of Safai Karamchari and other workmen were also engaged along with this workman so in the premises of All India Radio there is regular nature of work of Safai Karamchari as has been explicitly admitted by the management witness so the law cited by the management of the Hon'ble Supreme Court is not applicable in the facts and circumstances of the present case. The management has pointed out to the OM of 26-10-1984. OM cannot be over ride the express provisions of the ID Act. It has been specifically provided in Section 25 F of the ID Act that in case a workman has worked for 240 days he should be given retrenchment compensation. The OM of DOP&T cannot over ride this expressed provision of the ID Act. The workman has worked for 240 days in 1986 preceding the year of his termination i.e. 1987. So his case attracts Section 25 F of the ID Act.

My attention was also drawn to SC SLJ 2005 (1) page 441 that the Hon'ble Supreme Court has held that the workman in order to attract Section 25 F and 25 B should have worked continuously for 240 days. In the present case the workman has worked for 240 days in the year 1986 and his services have been terminated in the year 1987. My attention was also drawn to 1997 (4) SCC 88 that the Hon'ble Supreme Court has held that Daily Wages appointment will obviously be in relation to contingent establishment in which there cannot exist any post and it continues so long as the work exists. In the present case the management is not a contingent establishment. It is a permanent establishment and the management witness has admitted that there is regular nature of work for Safai Karamchari and Safai Karamcharis have been working and Smt. Pushpa has been regularized. Smt. Pushpa is junior to the workman applicant and she has been given regular appointment whereas a senior workman has been removed. The management has violated the principles laid down by the Hon'ble Supreme Court of first come last go. The management has violated the constitutional mandate of equality. It is not the case of the management that the workman was asked to file his registration certificate from Employment Exchange. On the pretext of non-registration in the Employment Exchange a workman cannot be removed

from his service. He was a senior workman and the management should have intimated him regarding the necessity of the certificate of the Employment Exchange. There is no mention in Section 25 F of the ID Act that a workman who has completed 240 days service should be registered in Employment Exchange. The simple rule is that a workman should have completed 240 days work and in that case he becomes entitled to retrenchment compensation. Retrenchment compensation has not been paid admittedly by the management in the instant case.

It has been held in 1981 SC page 478 that if immediately before the date of termination of service, a workman actually worked for 240 days within a period of calendar month under the employment he will be deemed to be in continuous service for one year under Section 25 B (II) and therefore, would be entitled to retrenchment compensation under Section 25F of the ID Act. Termination of his service without complying with Section 25 F of the ID Act would render the order of termination *void ab initio* entitling him to declaration for continuous service with full back wages. In the facts and circumstances of the case the workman has completed 240 days work preceding his termination. He has worked continuously so he is entitled to the benefit of Section 25 F and 25 B(2). Termination of his service is absolutely illegal and arbitrary and discriminatory also.

The workman shall be deemed to be in continuous service. He is manual worker. There is no evidence regarding his source of livelihood. He is not employed in any establishment but he must be doing some casual work for his bare subsistence. In the facts and circumstances of the case he is entitled to 50% back wages.

The management of All India Radio is an Industry as systematic activities are carried on in view of the judgment of the Hon'ble Supreme Court in Bangalore Water Supply.

The reference is replied thus :—

The action of the management of All India Radio, New Delhi in terminating the services of Shri Chander Pal is neither legal nor justified. The workman deserves to be reinstated treating his service as continuous service with 50% back wages. The management should reinstate him within two months from the date of publication of the award. In case of default the management will have to pay 10% interest over the entire back wages.

Award is given accordingly.

Date : 9-1-2006 R. N. RAI, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 606.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय नं. 1, मुम्बई के पंचाट (संदर्भ संख्या 3/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2006 को प्राप्त हुआ था।

[सं. एल-31011/12/2000-आई आर (बी-II)]

सी गंगाधरण, अवर सचिव

New Delhi, the 18th January, 2006

S.O. 606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 3/2001 of the Central Government Industrial Tribunal/Labour Court No. I, Mumbai, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 18-1-2006.

[No. L-31011/12/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI

PRESENT:

JUSTICE GHANSHYAM DASS, Presiding Officer.

Reference No. CGIT-03 of 2001

PARTIES: Employers in relation to the management of
Mumbai Port Trust

And

Their workmen

Mumbai Port Trust Dock & Genl. Employees
Union

APPEARANCES:

For the Management : Shri. Umesh Nabar, Adv.

For the Union : Shri J. Sawant, Adv.

State : Maharashtra

Mumbai, dated, the 04th day of January, 2006

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (the Act for short). Vide Government of India, Ministry of Labour, New Delhi. Order No. L-31011/12/2000/IR (M) dated 08-1-2001. The terms of reference given in the schedule are as follows :

“Whether the action of the management of Mumbai Port Trust in denying the payment of HRA to Port Trust employees sharing Port Trust quarters either with family members who is also a Port Trust Employee or any other Port Trust employees is justified? If not, what relief the workmen are entitled to in this regard?

2. The Statement of Claim filed by the Mumbai Port Trust Dock and General Employees Union representing the workmen employed with the Management of Mumbai Port Trust goes to show that the present dispute pertains to the workmen employed with the Mumbai Port Trust who have been denied the payment of House Rent Allowance

in view of Notice of Change of Service conditions dated 19-8-1999 whereby the refusal of House Rent Allowance is there to the employees who share the allotted accommodation with other employees including the spouse. The Industrial dispute was raised before the Conciliation Officer (C) IV but despite several hearings, the Conciliation failed vide its failure report dated 14-8-2000. The matter was referred to the Central Government who referred the dispute to this Tribunal on 08-1-2001.

3. The contention of the Union is that payment of House Rent Allowance to the Port Trust Employees sharing Port accommodation is in existence since long which forms part of service conditions and also under the terms of Memorandum of Settlement arrived at under the provisions of Section 12(3) of the Industrial Disputes Act 1947. The Mumbai Port Trust has curtailed this facility by issuing the Notice of change of service condition under Section 9 of the Act. This action of the Mumbai Port Trust is illegal and amounts to unfair labour practice within the meaning of Section 13 and 14 of the Vth Schedule of the Industrial Dispute Act. It also amounts to violation of Section 33(1) of the Industrial Dispute Act.

4. The contention of the Management of Mumbai Port Trust is that Notice of Change of Service condition as required under Section 9 of the Act was issued to the Union whereupon the Industrial dispute arose and the matter was placed before the Conciliation Officer. The failure report of the Conciliation Officer dated 14-8-2000 was sent to the Government. Consequent upon the receipt of the failure report a Circular letter dtd. 10-10-2000 was issued to the Mumbai Port Trust for discontinuing payment of House Rent Allowance to those employees sharing Port Trust Quarters to other Port Trust Employees and was made effective from 04-9-2000 which is a date much prior to the date of reference by the Central Govt. to this Tribunal. It is contended that there is no violation of any provision of the Industrial Dispute Act and in fact, the House Rent has been withdrawn legally with effect from 04-9-2000 which is a date when no proceedings were pending in between the parties for its settlement.

5. The justification for curtailing the long live facility of payment of House Rent Allowance is shown and it is alleged that it has been withdrawn keeping in mind the cost to exchequer and denial of principles of social justice to one and all concerned employees of the Trust. The employees who shared the accommodation with their spouse or other employee of the Mumbai Port Trust are not thus entitled to the payment of House Rent Allowance.

6. In view of the respective claim put forth by the parties, the only question for determination is as to whether the action of the Management of Mumbai Port Trust in withdrawing the House Rent Allowance is justifiable and if not to what relief the workmen are entitled.

7. The Union of the employees has filed the affidavit of Shri. Sudhakar Ramchandra Apraj, General Secretary of the Union in lieu of his examination in chief. The Management of Mumbai Port Trust has filed the affidavit of Shri S. M. Yadwadkar, Dy. Chief Accounts Officer in lieu of examination in chief.

8. Both the parties have cross examined the witness of each other.

9. The management has filed the documents as per list dated 19-5-2002. These documents are M-1 to M-7.

10. I have heard the learned counsel for the parties and gone through the evidence on record. The parties have also filed written submissions.

11. The facts are not in dispute. It is the admitted position that House Rent Allowance payment had been there since long. The necessity for withdrawal to certain employees was felt by the Management for the first time in the year 1999 and consequently, it decided to issue a Notice of Change as required under Section 9 of the Act on 19-8-99. It naturally resulted in raising of Industrial dispute and the matter was placed before the Conciliation Officer for talks. As a natural consequence the efforts of the Conciliation Officer failed and the failure report was submitted on 14-8-2000 to the Secretary, Ministry of Labour, Govt. of India, New Delhi. The Central Government took some time to make the reference to this Tribunal and finally referred the dispute vide Notification dated 08-1-2001 (correct date although wrongly typed as 8-1-2000).

12. It is also the admitted position that the Management of the Port Trust took the benefit of the time gap from the date of submission of failure report till the date of the reference made by the Central Government to this Tribunal. The management came into quick action and showed quickness by implementing the curtailment of facility w.e.f. 4-9-2000.

13. It is the admitted position that no change in service could be effected without a proper Notice of Change as required under Section 9 of the Industrial Dispute Act. Hence, I need not to quote the relevant provisions in this aspect.

14. The existence of payment of House Rent Allowance facility to the employees since long is admittedly there and it could not be withdrawn without following due procedure of law. Since the facility had been there since long, I need not to refer to the provisions under which this facility had been there. The protection of this facility had been there vide Section 36 of the Wage Settlement dated 2-8-2000 which reads as below :

PROTECTION OF EXISTING BENEFITS:

Merely, as a consequence of the implementation of this settlement, any facility, privilege, amenity, right, benefit,

monetary or otherwise or concession to which an employee or a category of employees might be entitled to by way of any award, practice, or usage, shall not be withdrawn, reduced or curtailed, except to the extent and manner as explicitly provided for in this settlement. Provided, however, that this protection clause shall not be used by the Federation and their affiliated unions and any person/ persons enjoying benefits under this Settlement for preventing Port/DLB managements from taking steps for the implementation of the provisions of this Settlement for improving productivity.

15. Regulation 6 of the Mumbai Port Trust Employees (HRA) Regulation 1975 provides as under :

Allowance admissible when permitted to share residence allotted to another employee — When an employee is permitted by the Administrative Authority under regulation 17 of the B.P.T. Employees (Allotment and Occupancy of Residence) Regulations, 1975, to share a residence allotted, otherwise than on a rent-free basis, to another employee, he, but not the allottee may be granted house rent allowance, if it is otherwise admissible."

16. The main argument of the learned counsel for the Management which was put before me during the course of submissions is that the Management is empowered to effect the curtailment of House Rent during the period when no proceedings were pending regarding the Industrial dispute. He submitted that no doubt, the proceedings were pending before the Conciliation Officer but that came to an end automatically on the date when the failure report dttd. 14-8-2000 was submitted by the Conciliation Officer. The Central Government took a period of four months in taking the decision for making reference to this Tribunal. Thus, during this period, the management implemented the Change/Curtailment in House Rent payment.

17. I feel that this submission is not acceptable to my mind. The proceedings cannot be deemed to come to an end since the Central Government chose to make the reference to this Tribunal although it took about four months to take the decision. I feel that any action taken by the Management of Mumbai Port Trust during the aforesaid period of four months cannot be justified under the law. That being so, the action of the Management is certainly illegal and improper. The workmen are entitled to claim the House Rent Allowance as per long existing term and conditions of service, Memorandum of Settlement and long usage.

18. During the pendency of the instant reference one development took place that the Central Government has issued Gazette Notification dated 26-3-2004 whereby the amendment has been made to the existing provisions and now the Regulation 16 as substituted reads as under :

MINISTRY OF SHIPPING

(PORTS WING)

NOTIFICATION

New Delhi, the 26th March, 2004

G.S.R. 222(E) : In exercise of the powers conferred by Sub-section (I) of Section 123, read with Sub-section (I) of Section 132 of the Major Port Trusts Act, 1963 (38 of 1963) the Central Government hereby approves the Mumbai Port Trust Employees (Allotment and Occupancy of Residence) Amendment Regulations, 2004 made by the Board of Trustees of Mumbai Port Trust as set out in the Schedule annexed to this Notification.

The said Regulations shall come into force from the date of publication of the Notification in the Official Gazette.

Regulation 16 shall be substituted by the following :

"16, No House Rent Allowance shall be granted to :

- (i) An employee to whom a residence is allotted.
- (ii) An employee/s who is/are sharing the residence alongwith the allottee;
- (iii) An employee whose spouse is an employee to whom a residence is allotted; and
- (iv) Two or more employees when they are jointly allotted the same residence."

The aforesaid Gezetie notification issued by the Central Government sets at rest the controversy since this Tribunal cannot struck down the Notification issued by the Central Government, duly conceded by the learned counsel for the employees Union. In this background, the non-payment of House Rent Allowance to the employees during the period with effect from 4-9-2000 till 26-3-2004 is unjustified and illegal and the workmen are entitled to the payment of House Rent Allowance. The workmen who have been denied the House Rent Allowance are entitled to the payment of aforesaid allowance from the Management immediately.

19. In view of the above, I conclude that the action of the Management of Mumbai Port Trust in denying the payment of House Rent Allowance to Port Trust employees sharing Port Trust Quarters either with family members who is also a Port Trust employee or any other Port Trust employee for the period w.e.f. 4-9-2000 till 26-3-2004 is not justified and the workmen as such are entitled to House Rent Allowance for the aforesaid period.

The reference is accordingly answered.

Justice GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 607.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 121/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-01-2006 को प्राप्त हुआ था।

[सं. एल-12012/51/2001-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th January, 2006

S.O. 607.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 121/2001 of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of Bank of India and their workmen, which was received by the Central Government on 18-01-2006.

[No. L-12012/51/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/121/01

Presiding Officer : SHRI C.M. SINGH

Shri Chhatrapal Shakya,

S/o Shri Kesharia Ram,

R/o Behind Ramjiwan Goyal Middle School,

Raispura, Shivpuri

Workman

Versus

The Zonal Manager, Bank of India,

Zonal Office, MP Zone,

Bank of India Bhawan,

Jail Road, Arera Hills,

Bhopal

Management

AWARD

Passed on this 9th day of January, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/51/2001-IR(B-II) dated 18-22/6/2001 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Zonal Manager, Bank of India, Bhopal in terminating the services of Shri Chhatrapal Shakya S/o Shri Kesharia Ram w.e.f. 2-II-1999 is justified? If not, what relief the workman is entitled for?”

2. After the reference order was received, it was duly registered on 4-7-2001 and notices were issued to the parties to file their respective statements of claim. In spite of sufficient service of notice, workman Shri Chhatrapal Shakya failed to put in appearance and file his statement of claim and therefore the reference proceeded *ex parte* against him.
3. Management filed their Written Statement their case in brief is as follows. Applicant Shri Chhatrapal Shakya was never appointed by the management. He was engaged by the Branch Manager in order to ensure smooth customer's service when there was a temporary increase in the casual nature of work and/or when the subordinate staff was on leave. He was duly compensated by fair amount. The payment of wages was made to him by the then Manager of the Branch, in cash from his own pocket for the actual days of work done. Subsequently the same was reimbursed to the Manager as per Bank's rules. The payment of wages was not made by the management directly to the applicant as is done in the case of permanent employee of the Bank. The applicant was engaged temporarily on daily wages to do the casual nature of work on as and when required basis. He was never appointed by the Bank. The applicant never worked for 240 days in any of the calendar year and there was no employer-employee relationship between the parties. In the present case provisions of Sec-25-F, 25-G and 25-H of the I.D. Act donot apply. The applicant is not a workman in terms of sub section(s) of Section 2 of the Industrial Dispute Act 1947. this reference shows that the Central Government usurped the authority by deciding the material fact which is beyond their jurisdiction.
4. The management in order to prove its case filed affidavit of Shri Tulasi Das Pandey. the then working as Sr. Branch Manager in Bank of India. Shivpuri.
5. I have heard Shri A.K. Shashi, Advocate for management. I have very carefully perused the entire evidence on record.
6. There is no evidence on record for proving the case of the workman whereas the case of the management stands fully proved by unrebutted and uncontroverted affidavit of Shri Tulsidass Pandey, the management's witness. The reference is, therefore, answered in favour of the management and against the workman.
7. It is hereby held that the action of the management of Zonal Manager, Bank of India, Bhopal in terminating the services of Shri Chhatrapal

Shakya, S/o. Kesharia Ram w.e.f. 2-11-99 is justified and consequently the workman is not entitled to any relief. Considering the facts and circumstances of the case, the parties are directed to bear their own cost of this reference. The reference is answered accordingly.

8. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न-2, धनबाद के पंचाट (संदर्भ संख्या 100/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-01-2006 को प्राप्त हुआ था।

[सं. एल-12011/167/2003-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th January, 2006

S.O. 608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 100/2003 of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No-2 as shown in the Annexure, in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 18-01-2006.

[No. L-12011/167/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, (NO. 2) DHANBAD

PRESENT (LOK ADALAT)

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)
(d) of the I.D. Act., 1947

Reference No. 100 of 2003

Parties : Employers in relation to the management of Bank of India and their workman.

Appearances :

On behalf of the employers : Mr. Vikram Sinha,
Staff Officer.

On behalf of the workman : Mr. Sabbir Ahmad,
The concerned
workman himself.

State : Jharkhand Industry : Banking.

Dated, Dhanbad, the 23rd December, 2004

AWARD

1. The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-12011/167/2003- (IR (B-II)), dated, the 16th September, 2003.

SCHEDULE

“Whether the action of the management of Bank of India to impose punishment of removal from service to Sabbir Ahmad vide Order dated 9-7-2003 is legal, and justified? If not, what relief Shri Sabbir Ahmed is entitled to:

2. In response to appeal made by this Tribunal for disposing of this case through Lok Adalat management and representative of the workman filed a settlement petition for settling the dispute through Lok Adalat as per terms and conditions stated therein. Perused the petition of settlement. Terms and conditions incorporated in the said settlement petition appears to be fair, proper and in accordance with the principles of natural justice. Accordingly the same is accepted. In view of the facts and circumstances discussed above instant case is disposed of through Lok Adalat as per settlement and an Award is passed in terms of settlement entered into between the parties. The settlement petition forms part of the Award as Annexure.

B. BISWAS, Presiding Officer

Form H

(See Rule 58)

Form of Memorandum of Settlement

Representing Employers The Assistant General Manager/The Chief Manager Bank of India, Zonal Office Pankaj Market, Saraiya Ganj, Muzaffarpur.

Representing Workmen The General Secretary Bank of India Employees' Union C/o bank of India, Fraser Road, patna (Bihar)

SHORT RECTAL OF THE CASE

Mr. Sabbir Ahmed, Ex-staff Agriculture Assistant, was issued a Memorandum along with Chargesheet dated 17-6-2002 for certain acts of gross misconduct committed by him during his tenure at Bank's Habibpur Branch. The Enquiry Officer conducted domestic enquiry in accordance with the principles of natural justice and submitted his

report holding therein that the workman concerned as guilty of charges levelled against him. The disciplinary Authority thereafter issued a Show Cause Punishment Notice No. ZO:MUZ:VIG-2:733 dated 18-2-2003 along with report of the Enquiry Officer, proposing to impose the punishment of Removal from service with superannuation benefite for the acts of gross misconduct proved against him. After receipt of the said Notice the Bank of India Employees Union raised an Industrial dispute before the Assistant Labour Commissioner (Central) Patna and the said dispute was ultimately referred to CGIT No. 2, Dhanbad, vide Notification No. L-12011/167/2003-IR (B-II) dated 16-9-2003. The said dispute is registered as reference case No. 100 of 2003 by the Hon'ble Tribunal. The said reference is pending for adjudication. In the meanwhile, the management passed Order of Punishment of Removal from Bank's services with superannuation benefits vide Punishment Order No. ZO:MUZ:IR:110 dated 9-7-2003.

After prolonged discussions between the parties the Management as well as Workmen agreed to settle their disputes with following terms and conditions :

TERMS OF SETTLEMENT

1. The Management agreed to modify the punishment of Removal from Bank's services with superannuation benefits in terms of Para 6(b) of Memorandum of Settlement dated 10-4-2002 imposed upon the workman vide Order of Punishment dated 9-7-2003 to the punishment on "Reduction by two stages in the time scale of pay for a period of four years" in terms of para 6(e) of Memorandum of Settlement dated 10-4-2002;
2. That, the Management will reinstate the workman in the services of the Bank without back wages;
3. That, the Workman would not claim any wages and other monetary/non-monetary benefit for the period from the date of his removal till the date he resumes his duty after publication of the settlement award;
4. That, the Workman would not raise any dispute at any forum pertaining to this aspect in future;
5. That, the punishment of reduction by two stages in the time scale of pay for period of four years will be effective from the date of joining of duty of the Workman.

(Signature of the Parties representing both)

1. Employer : P.K. DHAR
Zonal Manager Muzaffarpur-zone
2. Workman :

Two Witness :

1. A.K. SAHU
2. DEVASHIS CHAKRAVORTY

नई दिल्ली, 18 जनवरी, 2006

का.आ. 609.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कामर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 45/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-01-2006 को प्राप्त हुआ था।

[सं. एल-12012/147/2001-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th January, 2006

S.O. 609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 45/2002 of the Central Government Industrial Tribunal-cum-Labour Court, No-2 New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 18-01-2006.

[No. L-12012/147/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R.N.RAI. I.D. NO. 45/2002

In the Matter of
Shri Sharwan Kumar,
C/o. Shri Pramod Kumar,
LIG, Flats, Flat No. 454,
Pocket No. 6/2, Sector : 2,
Rohini, Delhi-85

Verses

The General Manager,
Oriental Bank of Commerce,
Harsha Bhawan, E-Block,
Connought Place,
New Delhi- 110001.

AWARD

The Ministry of Labour by its letter No. L-12012/147/2001 IR (B-II) Central Government dt. 19-6-2002 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Oriental Bank of Commerce in terminating the services of Shri Sharwan

Kumar, Ex. Driver, w.e.f. 16-1-2001 is just, fair and legal? If not, what relief he is entitled to and from which date." The workman applicant has filed statement of claim. In the statement of claim it has been stated that the applicant was employed by the management of the Bank as Driver on consolidated salary per month and was attached with Shri S.K. Bhatia, Dy. General Manager (I&C) H.O. Oriental Bank of Commerce, New Delhi as a personal Driver to drive official vehicle provided to him by the bank. The copy of the letter dated 25-9-1999 is enclosed herewith as proof of employment which is Ex. W-1/1.

The workman/applicant was employed by the bank/management on 22-2-1994 and was in the employment of the bank till 31-1-2001 after Shri S. K. Bhatia, Dy. General Manager, voluntarily retired, which is an illegal act on the part of the management, as during his service period, the workman was never given any chance of complaint to the management and worked with the management honestly.

That the workman was also doing the over time duties with the management, for which the management/bank paid him the payments time to time by their own vouchers, and bank provided uniform time to time also.

That the applicant not only worked as driver but also discharged his duties as a peon in the bank which can be seen from the miscellaneous payment vouchers enclosed as Ex. WW-1/2 to WW-1/18. In fact the applicant was treated to be the employee of the bank and not personal driver alone and called upon to perform all miscellaneous duties by the management from time to time.

That the applicant was assured by the management at the time of joining the duties that he will be regularized by the bank as Driver-cum-peon after satisfactory completion of 4 years services, but whenever the applicant requested to regularize him he was assured that his file has gone to higher authorities and in short time he will be regularized by the management.

That the bank had a policy duly approved by Board of Directors that drivers on consolidated salary were to be absorbed in bank as Driver-cum-peon and under this policy they had absorbed Drivers on consolidated salary who had completed satisfactory 4 years service and had a valid driving license.

That under the policy of the bank the applicant became eligible for regular absorption as Driver/peon on 22-2-1998 and Dy. General Manager (I&C) H.O. O.B.C., New Delhi had also certified completion of 4 years satisfactory service and copies of education certificate Driving License, Regn. Of Employment Exchange and proof of residence was also filed by the applicant in the office of management to complete the case for regularization.

That despite repeated requests regularization orders were not issued and the management of bank vide letter dated 29-6-1998 stopped with immediate effect absorbing drivers on consolidated salary purportedly on

Govt. instructions but as the applicant had completed 4 years satisfactory service the management proposed to recommend his case for permanent absorption.

That the applicant requested the management several times and also in writing to regularize him stating that as a driver the applicant has been working since 1994 and also done the job of peon but the management has terminated the workman on 31-1-2001 without any fault on his part.

That the workman is still unemployed and has not received any service after his best efforts. That the illegal termination of the workman caused him as well as his family members great loss and injury.

The management has filed written statement. In the written statement it has been stated that there never existed any employer-employee relationship between the applicant and the bank and therefore there can be no "industrial dispute" which can be referred for adjudication. The applicant himself admits that he was in the personal employment of Shri S.K. Bhatia and Ex. Officer of the bank and such employment would not make him a "workman" of the bank, to raise the dispute. It is submitted that the reference is liable to be rejected and may be decided in favour of the management on this ground alone.

The claimant was never employed by the management bank as driver nor any salary was paid to him. He was a personal driver of Shri S.K. Bhatia, the then General Manager (I&C), Head Office to drive his vehicle Annexure "A" to the claim statement merely reveals that the claimant worked as Driver with Shri S.K. Bhatia in his personal employment from 22-2-1994 to 25-9-1999 and it does not indicate in any manner that the claimant was an employee of the management of the bank. The employment in the bank is made as per the settled recruitment policy. The employees are issued appointment letter/letters/documents/identity cards etc. to show them as employees of the bank.

Since claimant was not an employee of the bank, the question of his over time duties with the management does not arise. If the claimant has ever been paid any amount on vouchers, it would not create the master servant relationship. The concerned officer if allowed certain payments to the applicant would not mean that the bank has employed the claimant.

It is submitted that earlier there existed a policy that personal drivers engaged by the Executives of the bank, after completion of 4 years of service were made eligible for absorption as Peons in the bank's service. In a separate settlement with the employees Federation on 26-6-1996, the peons who were recruited in the bank after working 4 years in personal employment of the bank's executives as Drivers were re-designated as Peon cum Driver. Thereafter the Government vide their letter dated 23-6-1997 advised that no personal drivers could be absorbed

in the employment of the bank as the same was against the policy of public employment. Further it was directed that recruitment should only be made through the regular recruitment channel and the case where appointments had already been done may not be re-opened. Accordingly the bank vide its office note dated 10-7-1997 decided to comply with the above said Government guidelines. It is also stated that after 10-7-1997, no personal driver in the employment of the bank's executives was absorbed in the employment of the bank. Thus the claimant is not entitled to be absorbed in employment of the bank on this ground.

As stated in the foregoing paragraphs, no such policy exists in the bank after 10-7-1997 under which the claimant had become eligible for absorption in the employment of the bank after completion of 4 years of service in the personal employment of the then Dy. General Manager (I&C), Head Office. It is also denied that the claimant had submitted any request to the management as stated in this para.

The workman applicant has filed rejoinder and has reiterated the averments of his rejoinder.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that he was employed by the management on the post of Driver and he was in the employment of Shri S. K. Bhatia from 22-02-1994 till 31-01-2000. He has discharged his duties satisfactorily besides driving work. He has also performed other duties of the Bank. When the workman applicant requested for regularization he was assured of the same.

It is also submitted that as per the policy of the Bank the Drivers deputed on consolidated salary were absorbed in the Bank as Driver-cum-Peon who completed satisfactory service of 4 years and whose license was valid. The workman applicant has completed 4 years of satisfactory service and his name has also been registered in the employment exchange so he should be regularized by the management.

It was submitted from the side of the management that the applicant has admitted that he was in the personal employment of Shri S. K. Bhatia and Ex. Officer of the Bank. There is no employee-employer relationship between the workman and the Bank. The claimant was not an employee of the management and he has not been made any payment by the Bank regarding his duty as Driver. It was further submitted that earlier there existed a policy that personal Drivers engaged by the Executives of the Bank were eligible for absorption as Peon in the Bank's service as per the settlement dated 26-06-1996 with the Employees Federation. Thereafter the Government vide their letter dated 23-06-1997 advised that no personal Drivers should be absorbed in the employment of the Bank as the same was

against the policy of public employment and against the principles of right to equality and recruitment should be made through regular process after these guidelines of the Government no Driver has been absorbed in the employment of the Bank.

It was submitted from the side of the workman that the workman has been paid by Shri S. K. Bhatia. I have perused the photocopy of the Cheques of Rs. 2500/- which has been issued by the bank in the name of Shri S. K. Bhatia. The workman has not filed any cheque which has been issued in his name by the Bank Shri S. K. Bhatia was entitled for a vehicle and so allowance was paid to him for payment to his personal Driver. The workman was simply a personal Driver of Mr. S. K. Bhatia and he was at no point of time Driver of the management Bank.

It was further submitted from the side of the workman that some vouchers and Cheques have been issued to him for other miscellaneous work of the Bank. I have perused the Cheques and the vouchers. The payment has been made to the workman for purchases of the Bank and for sitting besides his duty hours. The workman applicant was engaged by Mr. S. K. Bhatia. It was his duty to remain in the bank premises to take Mr. Bhatia home. Whenever there was additional work load the Driver remained with Shri S. K. Bhatia and an additional allowance has been paid to him. These payments cannot be said to be payment in employment of the Bank. The workman applicant discharged additional duties than the duty of the Driver and he was paid accordingly for that but he was not in the employment of the bank.

My attention was drawn to AIR 1978 SC 481—the Hon'ble Supreme Court has held that the personal Driver of Area Manager of Nationalized Banks is not a person employed by the Bank. In view of this decision of the Hon'ble Supreme Court the workman does not fall in the category of workman under section 2 (s) of the ID Act, 1947. I find no merit in the case of the workman applicant.

The reference is replied thus :—

The action of the management of Oriental Bank of Commerce in terminating the services of Shri Sharwan Kumar, Ex. Driver, w.e.f. 16-01-2001 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Dated: 10-01-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 610.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या

76/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-01-2006 को प्राप्त हुआ था।

[सं. एल-12012/54/1995-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 18th January, 2006

S.O. 610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 76/95 of the Central Government Industrial Tribunal-cum-Labour Court, No. 2 New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Panjab National Bank their workman, which was received by the Central Government on 18-01-2006.

[No. L-12012/54/1995-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R.N.RAI. I.D. NO. 76/1995

In the matter of :—

The State President,
PNB Employees' Union,
14/123, Krishnapur, Rajpur Road,
Dehradun,
Uttar Pradesh-248009.

Versus

The Regional Manager,
Punjab National Bank,
E. K. Road,
Meerut (UP).

AWARD

The Ministry of Labour by its letter No. L-12012/54/95 IR (B-II) Central Government Dt. 17-7-1995 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Punjab National Bank, Meerut in imposing the punishment of stoppage of four annual graded increment with cumulative effect on Shri Singh Ram Singh, Cashier, *vide* their order dated 31-08-1992 is legal and justified? If not, what relief is the said workman entitled to?”

The union on behalf of the workman has filed claim statement. In the claim statement it is stated that under conspiracy hatched up and designed in connivance with and at the behest of our rival union, the workman Shri Singh Ram Singh was falsely implicated into an alleged case of fraud, and was charge-sheeted *vide* charge-sheet dated 15-06-1991 for the alleged misconducts, mainly accusing of facilitating in the opening of a fake and fictitious S. F. A/c No. 6859 in the books of the bank, issuance of cheque book in that account, thus facilitating the fraudulent

withdrawal of Rs. 21,000 from the said S. F. A/c. 6859 among other alleged misconducts mentioned therein.

That the management had already made up its mind, prior to the issuance of the said charge sheet, to hold the workman Shri Singh Ram Singh guilty of the charges and punish him to fulfill the main part of the aforesaid conspiracy, obviously designed to shield and protect the real culprits—certain officers of the bank—who had effectively designed and connived in the alleged fraud of Rs. 21,000 which has been pinned, as a part of the said conspiracy, to the workman concerned Shri Singh Ram Singh, who has factually been made a “scapegoat” to safeguard the real culprit officers of the bank.

That on certain matters, the opinions of different hand-writing experts were obtained by both, the management of bank and the charge sheeted employee (CSE), in that, the report of Shri C. K. Johri, hand-writing expert is a reasoned report based on the well established rules and laws envisaged in that behalf by the world's renowned eminent authorities on the subject and the recognized scientific ethics (ethics) in regard therewith. It was/is authoritatively opined by Shri Johri in his said report that the initials on the entry of Rs. 80,000 and that on the balance entry of Rs. 82,100 are not under the hand and in the writing of the CSE Shri Singh Ram Singh. On the other hand the report of Pandit Ashok Kashyap, Hand-writing Expert, produced by the bank management is obviously a “non-speaking and unreasoned” report and is not manifestly based on the scientific ethics recognized by the eminent authorities on the subject.

That the element of “bias” and the “ill-conceived designs” of the said conspiracy, had further travelled in its natural course from the seniors in management to the Junior *i. e.* to the mind of the Enquiry Officer who has also acted in a prejudicial manner showing partiality in favour of bank management. Though in his judicial wisdom, he has held charges Nos. 1, 3 and 6 as not proved, while as a next step of the aforesaid conspiracy and under the natural influence of the “bias” transmitted to this mind from the seniors, the inquiry officer has held to hold charge No. 2 to be read in para 8 line 9 at the place marked “*” “which is “ex-facie” a concocted charge and not at all a charge in itself in view of the fact that the concerned workman Singh Ram Singh has confirmed, admitted and repeatedly stated that voucher dated 14-02-1991 for Rs. 23,000 was is a genuine voucher correctly released by him on 15-02-1991 for credit to S. F. A/c. No. 2881.” As proved and charges Nos. 4 and 5 as partly proved a novel precedence of its kind in the History of Law. A charge will either be proved as a whole or it will not be proved at all. The contention/finding of the two charges as “partly proved” is indeed, ridiculous, which fact on record proves only the existence of the aforesaid conspiracy and the element of “bias” against the CSE Singh Ram Singh. The report/findings of inquiry officer being based on doubts, suspicion, conjectures and surmises, is obviously “perverse”.

The management has filed written statement. In the written statement it has been stated that the dispute has not been duly and properly espoused as envisaged under the provisions of the ID act, 1947. Accordingly, no valid

dispute can be said to have arisen in the eye of the law. It is thus submitted that the Hon'ble Authority has no jurisdiction to deal with the matter.

Before giving reply on merits we would like to give the brief facts of the case for better appreciation of the matter. The service conditions of the workman staff in the banks are governed by Shastri Award, Desai Award and 1st to 6th Bipartite Settlement. Chapter 19 of the First Bipartite Settlement deals with disciplinary action and procedure therefore.

The workman committed acts of gross misconduct for which he was served with charge sheet dated 15-06-1991 wherein it was alleged that :—

While working as Clerk/Cashier, you have mis-conducted as hereunder :—

You accepted cash of Rs. 100 from Shri Sohan Lal, Staff member for new SF A/c. of Shri Sohan Lal Pralad Garhi, Ghaziabad as receiving cashier on 11-02-1991, despite of having knowledge that the a/c does not relate to him, thereby facilitating opening of fictitious SF a/c No. 6859 in the books of the bank. You also failed to inform this fictitious opening of a/c to your higher authorities.

While officiating as SF Incharge on 15-02-1991 you released a credit clearing voucher of Rs. 23,000 from SF No. 2881 of Shri Shivnadan Singh and Shail Kumari under your signature and later on, tampered the bank's records by tearing off the portion of aforesaid voucher containing the part of authorized signatory in order to conceal the fraudulent intentions.

You initiated the fictitious credit entry of Rs. 23,000 on 15-02-1991 and confirmed the balances in the ledger sheet of fictitious SF a/c no. 6859 in absence of supporting credit voucher.

While officiating as SF Incharge on 20-02-1991 a letter of request for issuing cheque book in the fictitious SF a/c No. 6859 was received by you duly signed by Shri Sohan Lal, Clerk/Godown Keeper of the branch. But despite of having knowledge that the a/c is a fictitious one, you verified the signatures on letter of request and, thereafter obtained the orders of the Manager without bringing the facts to the notice of the Manager. Thereafter, you delivered the cheque book No. 713661-680 to the above named employee of the branch after obtaining his signatures in cheque book issued register, with the result that an amount of Rs. 21,000 was fraudulently withdrawn on 21-02-1991 on the strength of cheque No. 713662 issued from the above cheque book.

You initialed the fictitious credit entry of Rs. 80,000 on 22-02-1991 and confirmed the balance in the ledger sheet of aforesaid fictitious Saving Fund A/c. No. 6859 in the absence of supporting credit voucher.

You misrepresented the facts to the Bank *vide* your letter dated 12-03-1991, that the account holder of SF A/c No. 2615 Shri Ram Baboo Singhal, is not personally know to you, whereas the facts are otherwise.

By your above actions you have thus willfully acted in connivance and in a manner prejudicial to the interest of the bank and involving the bank in a financial loss amount to Rs. 21,000. The same is covered under gross misconduct

in terms of para 19.5 (j) of First Bipartite Settlement dated 19-10-1966 as amended.

The subject employee submitted reply, to the charge sheet, dated 29-06-1991 which was duly considered by the Disciplinary Authority who not being satisfied with the reply ordered Departmental Inquiry to enquire into the allegation levelled in the charge sheet *vide* order dated 10-09-1991. The Inquiry Officer conducted the inquiry in accordance with the principles of natural justice and afforded all reasonable opportunities to the charge sheeted employee to submit his defence. The Inquiry Officer submitted his report dated 09-07-1992 along with the complete inquiry records which was considered by the Disciplinary Authority and after accepting the findings of the Inquiry Officer proposed punishment of "stoppage of four annual graded increments with cumulative effect" for the proved misconduct *vide* its order dated 20-08-1992.

The subject was granted personal hearing on 31-08-1992. The contentions raised by the subject was duly considered by the disciplinary authority who decided to confirm upon the employee the proposed punishment of "stoppage of four annual graded increments with cumulative effect" for gross misconduct *vide* order dated 31-08-1992. His appeal was also rejected by the appellate authority *vide* order 04-01-1993.

The union on behalf of the workman has filed rejoinder. In the rejoinder the union has reiterated the averments of claim statement of the workman and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the union that a conspiracy was hatched up and it is in connivance and at the behest of the rival union that the workman was falsely implicated into the alleged case of fraud and he was charge sheeted *vide* charge sheet dated 15-06-1991 for the alleged mis-conduct.

It was further submitted that the management was pre-determined to hold the workman guilty of false charges in order to fulfill the main part of the aforesaid conspiracy obviously to shield and protect the real culprit/certain officers of the Bank. They have effectively designed and connived in the alleged fraud of Rs. 21,000 and the workman has been made a escape goat to safeguard the real culprit/certain officers of the Bank. The workman was not involved in any of the charges.

It was further submitted that report of Shri C.K. Johri, the hand-writing expert is a correct report based on well established rules and laws envisage in that behalf of the eminent authorities and recognized scientific ethics. The Inquiry Officer relied on the report of Shri Ashok Kashyap whose report itself is non-speaking and non-reasoned manifestly on the scientific ethics recognized by the eminent authorities on the same subject. The Inquiry Officer was biased and he was also pre-determined to find the charges proved. But his conscience did not permit him to hold the

workman guilty of all the charges. He found him guilty of charge No.2 only and he found other one partly proved. The findings are ridiculous and perverse and based on no evidence. The Inquiry Officer was also in collusion with the officers of the Bank.

It was further submitted that the Inquiry Officer did not find charge No.1 proved which is regarding opening of fictitious account. He found charge no.2 proved regarding clearance vouchers of Rs. 23,000. The Inquiry Officer did not find charge no.3 proved regarding the fictitious voucher of Rs.23,000 on 15-2-1991. The fictitious credit entry of Rs.23,000 is alleged to have done on 15-2-1991 but the charge of credit clearing of the same voucher of Rs.23,000 has not been found proved by the Inquiry Officer. Charge No.2 & 3 relate to the same transaction. The Inquiry Officer has found charge no.3 not proved and charge No.2 proved.

It was further submitted that the Inquiry Officer did not find the charge of fraudulently withdrawing an amount of Rs.21,000 on the strength of cheque No.713662 issued from the above cheque book.

It was further submitted that the workman has not initialed the fictitious credit entry of Rs.80,000 still the Inquiry Officer found charge No. 5 partly proved. It was further submitted that the Inquiry Officer did not find charge No.6 proved. The Inquiry Officer found only charge No.2 proved and charge No.3 partly proved.

It was further submitted from the side of the union that the vindictive attitude of the management is manifest from the bare fact that the management framed 6 charge against the CSE and made best effort to prove all the 6 charges and examined all the material witnesses but could not prove all the 6 charges. So the charges have been framed as a result of malicious intent and vindictive attitude of the management. Malicious attitude and bias can be inevitably inferred from the conduct of the management that 6 charges are framed and entire evidence is proved by the Inquiry Officer but the Inquiry Officer did not find almost 4 charges proved.

It was further submitted that the Inquiry Officer became a part of the malicious and devilish design of the management and the vindictive attitude of the management and to save his position he found charge No.2 proved and charge No.5 partly proved whereas there is no evidence for the same.

It was submitted that while proving charge No.2 the Inquiry Officer has held that MW-2 page 41 of the proceedings register proceedings dated 28-1-1992 wherein he has categorically stated that his doubt goes on Shri Singh Ram Singh and that he must have put his signature on the voucher for having passed it from the ledger sheet and the motive of doing this was removing the record of having put signature on the voucher. The Inquiry Officer has based his findings on the statement of MW-2. MW-2 has stated that his doubt goes on Shri Singh Ram Singh the CSE. MW-2 has expressed his doubt. He has nowhere stated that Shri Singh Ram Singh was instrumental in tearing his signature on the voucher. It is settled law of the

land that suspicion and doubt however, strong cannot take the place of evidence. The witness MW-2, has only expressed his doubt regarding tearing a part of the voucher having the signature of the CSE. So findings based on doubts and suspicious are no findings in the eye of law. The Inquiry Officer was determined to find the CSE guilty of some charges or the other so he found charge No.2 proved on the doubt expressed by MW-2. There is no evidence worth the name to prove charge No.2. Doubt of MW-2 cannot take the place of evidence, hence the findings of the Inquiry Officer on charge No.2 is perverse being not based on any evidence not to say of legal evidence. It appears that the Inquiry Officer took the side of the management in their mala fide intention to victimize the innocent CSE. It was further submitted that charge No.2 relates to signing of the voucher by the CSE, charge No.3 is also making entry of Rs.23,000 fraudulently by the CSE. If the charge regarding fraudulent entry of Rs.23,000 is found not proved by the Inquiry Officer how can he prove the tearing of the portion containing the signature on voucher of Rs.23,000. Charge No. 1 & 2 are interrelated. If one is not proved the other cannot be proved as I have mentioned earlier no charge can be proved on the basis of expression of doubt of MW-2. So there is no evidence even for finding the CSE guilty of charge No.2.

It was further submitted that the Inquiry Officer has found the CSE guilty of charge No.5 partly proved. Charge No.5 is regarding the initial of Shri Singh Ram Singh on the fictitious voucher of Rs. 80,000 on 22-1-1991 MEX-6. He has relied on the opinion evidence of the expert. The contention of the Inquiry Officer is that the opinion evidence of Shri Ashok Kashyap is more detailed and contains in depth comparison of the disputed and admitted initials of Shri Singh Ram Singh. On the basis of the expert opinion charge No. 5 should be proved. The charge is can be proved if there are two parts of it. Charge No.5 is regarding the initials of Shri Singh Ram Singh on the fictitious voucher of Rs.80,000. It may be found not proved. It cannot be found partly proved as there are no two aspects of this charge. The Inquiry Officer has held that it has not been established that the aforesaid posting was done in the absence of supporting voucher.

I have perused the expert report of Shri C.K. Johri which is on the record, the management deliberately concealed the expert opinion of Shri Ashok Kashyap and it is not on the record either of the inquiry or of this case. So I cannot scrutinize the findings of Shri Ashok Kashyap. The expert report of Shri C.K. Johri is on record. I have perused and scrutinized the same. The opinion expressed by Shri C.K. Johri is quite correct.

It was submitted that the management has examined Shri Ashok Kashyap, the hand-writing expert on MEX-1. He has stated during the course of its cross examination in the inquiry that MEX-20 contains initials of the same pattern with minor variation of natural type. If admitted is compared with disputed there cannot be variation of natural type. There can be artificial variation so this witness has deposed against the scientific principles of hand-writing. The hand-writing expert, Shri Ashok Kashyap has

concealed so many principles of hand-writing comparison. The expert witness has also proved the initials on MEX-15 of the CSE but the Inquiry Officer has not found him guilty of this charge. The hand-writing expert has found the entry of Rs. 80,000 initialed by the CSE but the Inquiry Officer has not found the charge proved. Shri Ashok Kashyap, the hand-writing expert has maintained that the disputed and admitted initials of the disputed documents are of the CSE but the witnesses have deposed otherwise so this expert witness is highly interested and no reliance can be placed on his testimony.

Charge No. 1 is regarding fictitious opening of account No. 6859. Charge No. 5 is regarding initialing the fictitious credit entry of Rs.23,000 in account No.6859. Charge No.4 is regarding fraudulent withdrawal of Rs.21,000. Charge No.1 was not found proved by the Inquiry Officer hence the opening of the account No.6859 is not fictitious. Charge No.3 was also found not proved by the Inquiry Officer so the CSE did not initial the fictitious entry of Rs.23,000. The Inquiry Officer did not find charge No.4 proved. Charge No.4 is regarding fraudulent withdrawal of Rs.21,000.

It transpires that there was some employee behind fictitious opening of account No.6859 initialing the fictitious credit entry of Rs.23,000 and fraudulently withdrawing Rs.21,000. It appears that this act has been committed by some other employee and the management has shield him and the charges have been fictitiously framed against this innocent employee. The Bank has not as yet determined as to who was behind the fictitious opening account No.6859 and initialing credit voucher of Rs.23,000 and fraudulently withdrawing an amount of Rs.21,000. The Bank has levelled the charges with mala fide intent against the CSE and the bank could not prove the charges in the inquiry.

The Inquiry Officer found charge No.2 proved. Charge No.2 is regarding releasing a credit clearing voucher of Rs.23,000 and tearing of the portion of aforesaid voucher containing the part of the signature. MW-2 has expressed doubt that tearing of the portion was done by the CSE. There is no evidence on releasing credit clearing voucher of Rs.23,000. The CSE has allegedly torn the part of the voucher containing signature. Doubt of MW-2 has been expressed on the tearing of the portion of the voucher. There is no evidence for releasing the credit clearing voucher of Rs.23,000. This charge is based on the suspicion of MW-2. The CSE cannot be punished on the suspicion of the management witness who might have deposed falsely on the ground of his suspicion. So charge No.2 is also found proved.

Charge No. 5 is regarding initialing the fictitious credit entry of Rs.80,000 of 22-2-1991 and confirming the balance in the ledger sheet of aforesaid fictitious saving fund account No.6859. Account No.6859 is involved in charge No.1, 3, & 4. It becomes manifest that there is some employee beyond opening fictitious account No.6859 initialing the fictitious credit entry of Rs.23,000 and fraudulently withdrawing Rs.21,000. That employee should be behind making credit entry of Rs.80,000. The evidence of Shri Ashok Kashyap is not trustworthy. He has been verbally

asked to examine the disputed and admitted. There is no order in writing for examination of the disputed and admitted. I have myself perused the disputed and admitted initials. They are not of one and the same person. The statement of Shri Ashok Kashyap is not to be relied upon as he has found initials of the CSE on the other papers but the charges have not been found proved. So the findings of the Inquiry Officer that charge No. 5 is partly proved is absolutely perverse.

Charge No.6 has not been proved. It appears from the above discussions that the charges levelled against the CSE are an off-shoot of rivalry of the union. The CSE has not committed any misconduct.

It was submitted that this Court is not sitting in appeal over the findings of the Inquiry Officer. The Inquiry Officer has to rely on legal evidence. 4 charges relate to fictitious opening of account and doing fraudulent transaction. 3 charges have not been found proved and the Inquiry Officer has arbitrarily found charge No. 5 proved partly though charge No.5 also relates to account No.6859 as such the CSE was not involved even in charge No. 5. It is settled law that this Court can interfere in cases where miscarriage of justice has been caused by relying on the evidence not admissible in evidence. Sophisticated and technical rule of evidence Act are not applicable in departmental inquiry but findings cannot be based on the suspicion of a management witness.

It was submitted from the side of the management that inquiry has been conducted according to the principles of natural justice and there was no rival union and there was no malicious design to victimize the innocent CSE. The inquiry proceedings and the evidence in the inquiry are sufficient proof of the charges. I have discussed in detail that none of the charges are proved. The Inquiry Officer was in collusion with the management. Six false charges has been levelled against the CSE. He was not involved in any of the charges. The substantial question is whether the management has a right to harass and victimize an innocent employee of the bank. Whether the authorities who are involved have a right to create false documents and false evidence with a malicious intent to punish the CSE?

The reference is replied thus :—

The action of the management of Punjab National Bank, Meerut in imposing the punishment of stoppage of four annual graded increment with cumulative effect on Shri Singh Ram Singh, Cashier, vide their order dated 31-8-1992 is neither legal nor justified. The workman applicant is entitled to get back all the arrears which has arisen on account of stoppage of four annual graded increments with cumulative effect. The management should pay the entire arrears of wages to the workman deducted as a result of order dated 31-8-1992 within two months of the publication of the award along with a cost of Rs.5,000.

Award is given accordingly.

Date : 12-01-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 611.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 52/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2006 को प्राप्त हुआ था।

[सं. एल-12011/17/1988/डी-II(ए)]

सी. गंगाधरण, अव्वर सचिव

New Delhi, the 18th January, 2006

S.O. 611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/91) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Punjab National Bank and their workman, which was received by the Central Government on 18-1-2006.

[No. L-12011/17/1988-D-II(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT-II, NEW DELHI

Presiding Officer: R. N. Rai

Industrial Dispute No. 52/1991

In the Matter of :—

The State President,
Punjab National Bank Empl. Union,
28/10, Kishanpur,
Rajpur Road,
Dehradun.

Versus

The Regional Manager,
Punjab National Bank,
18, New Road,
Dehradun.

AWARD

The Ministry of Labour by its letter No. L-12011/17/88/D-II(A) Central Government Dt. 06-09-1989 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Punjab National Bank in stopping the Hill and Fuel allowance to their employees posted at Srinagar-Garhwal w.e.f. July, 1987 without serving a notice of change in service conditions as required under Section 9-A of the ID Act is justified? If not, to what relief the said employees are entitled to?”

The Union on behalf of the workmen has filed statement of claim. In the claim it is stated that the union made a representation to the Chief Personnel, Punjab National Bank, Head Office, New Delhi vide its letter No. 84-85/441 dated 22-10-1985, thereby claiming payment of Hill allowance @ 8% with a maximum of Rs. 75 per mensem w.e.f. 01-09-1978 to the employees posted/working at B/O. Srinagar-Garhwal, enclosing in support a photo-stat copy of letter dated 23-08-1985 from the Surveyor General of India, Dehradun describing therein the height of the place “Kothar” as 1360 metres above sea level. A certificate from the Municipality, Srinagar Garhwal to the effect that the said place “Kothar” is within Municipal limits of Srinagar-Garhwal was also enclosed therewith.

That the Bank authorities were pleased to sanction payment of Hill allowance to employees stationed at Srinagar-Garhwal but w.e.f. 01-10-1980 instead of 01-09-1978. The Union made yet another representation to the Chief Personnel, Punjab National Bank, Head Office, New Delhi vide its letter No. 84-85/448 dated 14-11-1985 thereby inviting their attention to Union's earlier communication on the subject and requesting them for reconsideration of their decision in view thereof, but with no positive response on the subject, in consequence whereof the union had no other alternative except that of the espousal of an Industrial Dispute, as such an industrial dispute No. D-7(39)/86-ALC was preferred vide statement of claim dated 03 Nov., 1986 by the union, which was seized into conciliation by the ALC(C), 117, Chander Nagar, Dehradun and notice dated 15-12-1986 was issued in respect thereof, to which the management filed its written statement dated 19-01-1987, thereby clarifying that since the point of determination on the basis of “highest point within the Municipal limits of the Station” came into being by means of Memorandum No. 11021/4/76-E(2) P dated 03 July, 1979 issued by the Government of India, Ministry of Finance, Department of expenditure, the Payment of Hill allowance w.e.f. 03 July, 1979 has been decided by the IBA and the same will be paid to the employees stationed at Srinagar-Garhwal only on their production of a certificate from the Municipal board, Srinagar-Garhwal to the effect that the highest place “Kothar” was included in the Municipal limits of Srinagar-Garhwal on a date prior to 03 July, 1979, and the Assistant Labour Commissioner (C), Dehradun was pleased to close the said ID vide his letter No. D-7(39)/86-ALC dated 30-01-1987 thereby asking the union to make available the desired certificate.

That in due course of time the desired certificate was obtained from the Municipal authorities and furnished to the Bank authorities; but the management, instead of paying the arrears w.e.f. 03 July 1979 till 30 Sep., 1980, stopped payment of Hill allowance to the employees stationed at Srinagar-Garhwal in utter disregard and absolute violation of the mandatory provisions of the Bipartite Settlement, as well as of the Industrial Dispute

Act, 1947 by not following the procedure laid down in Section 9-A of the Act, 1947 read with the fourth schedule appended to the said Act, are mandatory provisions and the management is bound to act in accordance therewith and any violation thereof renders the action of the management *void ab initio* and non-est in the eyes of law, as such the action the management in stopping the Hill and Fuel allowance to employees posted at B/O. Srinagar-Garhwal is *ab initio void* because notice of change in service conditions as required under Section 9-A of the ID Act, 1947 had not been served hence the action is illegal and unjustified.

That in view of the foregoing the employees/workmen posted at Srinagar-Garhwal are legitimately entitled to get Hill and Fuel allowance in terms of Para 8 of the third bipartite settlement dated 31 Oct., 1979 w.e.f. 01-09-1978.

That the aforesaid employees/workmen posted at B/O Srinagar-Garhwal are also entitled for compensation for their sufferings on account of the illegal, arbitrary and malafide actions of the management and in addition thereto these workmen are also entitled to reimbursement of the entire expenditure incurred in the conduct of the instant Industrial Dispute from conciliation stage till the publication of the award.

The management has filed written statement. In the written statement it has been stated that the service conditions of the workmen employees working in the banking industry are governed by Awards/Bipartite Settlements arrived at between the representative of Bank Management through Indian Banks Association and the Unions, in terms of Section 18(i) of the ID Act, 1947, It is provided in the settlement that;

“If any doubt or difficulty arises regarding interpretation of the provisions of the settlement, the matter will be taken only at the level of the Indian Banks Association, all India Bank Employees Association and the National Confederation of Bank Employees for discussions and settlement.”

Since the payment of Hill and Fuel allowance involved interpretation as to whether it is admissible at Srinagar-Garhwal, as per the settlement, the above named union should have preferred the matter to Indian Banks Association or to be National Confederation of Bank Employees, to which the said union is affiliated, before invoking the jurisdiction of the authority.

That the dispute has not been validly and properly espoused as required in terms of provisions of the Industrial Dispute Act and as such the Hon'ble Court lacks jurisdiction to deal with the matter.

The service of bank employees are governed by Shastri Award, Desai Award and settlements known as BPS I, II, III, IV and V signed at Industry level between the Banking Industry and the Employees Union on 19-10-1966, 12-10-1970, 01-08-1979, 17-08-1984 and 10-04-1985.

That para 174 and 175 of Shastri Award and Para 6.32 of Desai Award initially provided for the provisions of Hill Allowance and Fuel Allowance which were amended *vide* clause 9.3 to 9.5 of I Settlement dated 19-10-1966 and clause II (C), II (d)(i), II(D) (ii) settlement on other issues dated 08-11-1973 *vide* clause 8 of settlement dated 31-10-1979, Hill and Fuel allowance were combined and was to be paid throughout the year depending upon the height of the place. It was further laid down that it is payable at place which are specifically declared as “Hill station” by Central Government or State Government concerned irrespective of their height @ at which it is payable to the places situated at a height of over 1000 meters sea level but less than 1500 meters.

On 15th and 16th April, 1980 discussions were held between Indian Banks Association and All India Banks Employees Association and National Confederation of Bank Employees wherein it was decided as follows :—

- (i) Parties agree that Hill and Fuel allowance will be paid at Dehradun in view of the Government Notification No. O. M. 11021/4/76-EII(B) dated 22-03-1979.
- (ii) In cases where Hill and Fuel allowance is payable to Government Employees by a Notification similar to the one issued in respect of Dehradun, Hill and Fuel Allowance will be payable under the BPS dated 31-10-1979.
- (iii)
- (iv) For the purpose of determining whether a place is eligible for Hill and Fuel Allowance and the rate at which such allowance is payable, the height of the place as supplied by Survey of India will be taken into account-not-however, the highest point in the city or the town. However, hereafter, the payment of Hill Allowance will be determined on the principles laid above.
- (v)

The personnel committed at its meeting held on 19th December, 1980 accepted the guidelines issued by the Government of India for determining the height of a hill station for the purpose of Hill Compensatory Allowance. The relevant portion of the Government Notification reads as under :—

“Henceforth the criterion for the purpose of determining the height of a Hill Station should be the height of the highest point within the Municipal/Statutory limits of a Hill Station.

That since Srinagar-Garhwal had neither been specifically declared as Hill Station by the State/Central Government not the same is situated at a height of 1000 meters, the provision of Hill and Fuel Allowance are not applicable there.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the Union that Hill Allowance to the employees stationed at Srinagar-Garhwal were sanctioned w.e.f. 1-10-1980 instead of 1-9-1978. The Union made representations for making payment from 1-9-1978 but the management stopped payment of Hill Allowance to the employees stationed at Srinagar-Garhwal in utter disregard and absolute violation of the mandatory provision of the BPS as well as the Industrial Dispute Act, 1947 by not following the procedure laid down in Section 9(a) of the Act, 1947 read with IVth Schedule appended to said Act. These provisions are mandatory and the management is bound to act in accordance therewith and any violation renders the action of the management void *ab initio* and *non-est* in the eyes of law.

In was submitted that the management was bound to pay Hill and Fuel Allowance in terms of Para 8 of the third BPS dated 31 October, 1979 w.e.f. 1-9-1978. The action of the management is illegal and arbitrary.

It was submitted from the side of the management that the Banking Industry is governed by the settlements arrived at between the representatives of the Bank Management through Indian Banks Association and the Union and it has been provided in the settlement that if any doubt or difficulty arises regarding interpretation of the provision of the settlement, the matter will be taken only at the level of Indian Banks Association, All India Banks Employees Association and the National Federation of the Bank Employees. The above named union should have referred the matter to IBA or to NCDE to which this union is affiliated before invoking the jurisdiction of the authority. So the dispute has not been validly and properly espoused.

It was further submitted that Paras 174 and 175 of Sastri Award and Para 6.32 of Desai Award initially provided for the provision of Hill and Fuel Allowance but the same was amended by Clause 8 of the settlement dated 31-10-1979 and Hill and Fuel Allowance was to be paid throughout the year depending upon the height of the place. The Hill Station Allowance was to be paid if there is any Central or State Government declaration irrespective of the height.

It was further submitted that the discussions were held between the Indian Banks Association and All India Banks Employees Association and National Federation of

Bank Employees. It was decided that if Hill and Fuel Allowance is payable to Government employees by any notification the same will be paid to the bank employees also. The Government of India determined the height of Hill Station for the purpose of Hill Compensatory Allowance and the criteria was laid down for the purpose of determining height of Hill Station, the height of the highest point within the Municipal/Statutory Limits of the Hill Station will be taken into account. Srinagar-Garhwal has not been specifically declared as a Hill Station by the State/Central Government nor is the same situated at a height of 1000 mts. The provision of Hill and Fuel Allowance are not applicable to the employees.

It becomes quite obvious that Hill allowance to the employees concerned is to be paid if that particular Municipality or Statutory locality is declared as Hill Station and if the height is above 1000 mts. which is to be determined with the highest point of a particular place of the locality.

It was submitted from the side of the management that Srinagar-Garhwal has not been declared a Hill Station by any State or Central Government so the allowance is not to be paid by the Bank. The second criteria for payment is the height of the place calculated in respect to the highest point of that Hill Station. Srinagar-Garhwal is not a height of more than 1000 mts. Kotthar a place situated in Srinagar-Garhwal is at a height of 13600 mts. as per Survey of India report, Annexure-2. The height of Srinagar-Garhwal is to be determined taking into consideration the highest point 13600 mts. Srinagar-Garhwal is not above 1000 mts.

It was further submitted by the Bank that the Government of Uttar Pradesh has declared Amethi, Nainital, Dehradun, Pouri Garhwal and Tehri Garhwal as Hill Station but Srinagar-Garhwal has not been declared to be a Hill Station. So Hill allowance is not to be paid. Srinagar-Garhwal has not been declared a Hill Station by the Government of UP. as per the report of Survey of India the height of Srinagar-Garhwal from the sea level is about 640 mts. The highest point in Srinagar-Garhwal is Kotthar so Hill allowance can be paid to the employees of Kotthar as it is at a height of 1040 mts. which is above the height of 1000 mts. Hill and Fuel allowance cannot be paid to the employees of Srinagar-Garhwal on the basis that Kotthar is situated at a height of over 1000 mts. though situated in the same Municipality. The Municipality Srinagar-Garhwal is not situated at a height or more than 1000 mts. so according to the criteria and settlement of the Union Banks Association allowance is not payable.

The Indian Bank Association by its letter dated August 25, 1989 has advised the Dy. GM, PNB to freeze the allowance in case of existing employees posted at their branches in question. The Indian Bank Association in April, 1988 informed the Asstt. GM that Hill and Fuel allowance

is not payable to the employees of Srinagar-Garhwal as it is not situated above 1000 mts.

It transpires from perusal of the criteria laid down for payment of Hill and Fuel allowance that the employees of Srinagar-Garhwal are not eligible for the same as that locality is not situated above 1000 mts. height. The employees are not entitled for Hill and Fuel allowance as that locality has not been declared as Hill Station by any State or Central Government. The IDA has also admitted that Hill allowance is not to be paid to the employees of Srinagar-Garhwal as it is not at a height of more than 1000 mts. so the payment has been made by mistake and when it was brought into the knowledge of the authorities that payment has been wrongly made, the payment was stopped.

It was submitted from the side of the union that stoppage of payment is affected by section 9(a) of the ID Act, 1947. No notice has been given to the union u/s 9(a) and the service conditions of the employees has been changed. It has been held earlier that Srinagar-Garhwal is not situated at a height more than 1000 mts. so as per the settlement the employees are not entitled to Hill allowance. So there is no change of service conditions of the employees against the settlement. The payment has been stopped under the settlement and the employees were being paid Hill allowance by mistake so a mistake has been corrected and service conditions have not been changed so there is no question of notice u/s 9(a) of the ID Act, 1947. There appears to be no merit in the case of the union and the concerned employees are not entitled to get any relief as prayed for.

The reference is replied thus :—

The action of the management of Punjab National Bank in stopping the Hill and Fuel allowance to their employees posted at Srinagar-Garhwal w.e.f. July, 1987 without serving a notice of change in service conditions as required under section 9-A of the ID Act, 1947 is justified. The workmen applicants are not entitled to get any relief as prayed for.

Award is given accordingly.

Date: 10-1-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 612.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./212/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2006 को प्राप्त हुआ था।

[सं. एल-22012/174/1996-आईआर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 612.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/212/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 18-1-2006.

[No. L-22012/174/1996-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/212/97

Presiding Officer: Shri C.M. SINGH

Shri Shivcharan Singh,
S/o Shri Balraj Singh,
Ex. employee,
Birsinghpur,
Distt. Shahdol (MP)

Workman

Versus

The General Manager,
SECL, Johilla Area,
PO Nowrozabad,
Distt. Shahdol (MP)

Management

AWARD

Passed on this 4th day of January, 2006

The Government of India, Ministry of labour vide its Notification No. L-22012/174/96-IR (C-II) dated 11-15-7/97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Johilla Area of SECL, Nowrozabad, Distt. Shahdol (MP) in terminating the services of Shri Shiv Charan Singh Ex-cook w.e.f. 28-11-95 is legal and justified? If not to what relief is the workman entitled and from which date.”

2. After the reference order was received, it was duly registered on 4-8-97 and notices were issued to the parties to file their respective statement of claim. But after sufficient service of notice an workman by registered AD post, he failed to put in appearance and file his statement of claim. It appears from the record that in the year 2005, the workman filed the settlement deed in form-“H”. Thereafter the management moved application dated 22-9-2005 with the

prayer that the present dispute be decided and award be passed in terms of settlement in the interest of justice. With the aforesaid application, the settlement arrived at between the parties is attached as form "H". Shri A.K. Shashi, Advocate the learned counsel for management on 3-1-2006, submitted that the workman has been re-appointed as per terms of settlement arrived at between the parties. He requested that the dispute be decided and award be passed in terms of settlement in the interest of justice. The following are the terms of settlement :—

- (i) That Shri Sheo Charan, S/o Shri Balraj Singh is hereby re-appointed as cook in T & S Gr. "F" and he shall report for his duty at Vindhya Project canteen. His date of joining shall be taken from the date he joins at Vindhya Project.
- (ii) That Shri Sheo Charan has been medically examined on 26-3-97 and found medically fit.
- (iii) On the basis of principle of NO WORK NO PAY, Shri Sheo Charan shall not claim any wages for the period from the date of his dismissal from the service to the date of re-appointment.
- (iv) Shri Sheo Charan shall not raise any dispute in connection with this case before any court of law or forum whatsoever either individually or through any Union.
- (v) Shri Sheo Charan shall withdraw the cases pending before in the court of law, RLC (C), Jabalpur/Ministry of Labour in connection with this case.
- (vi) This is full and final settlement and shall be binding upon both the parties. A copy of this settlement shall be sent to ALC (C) Shahdol for his office record within one month.

3. The terms of settlement arrived at between the parties are just and fair. Therefore the award is passed in terms of settlement without any order as to costs.

4. Copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 613.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./99/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2006 को प्राप्त हुआ था।

[सं. एल-22012/176/1988-डी4(बी)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/99/89) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 18-1-2006.

[No. L-22012/176/1988-D4(B)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, JABALPUR

No. CGIT/LC/R/99/89

Presiding Officer : Shri C.M. Singh

Area General Secretary,
RKKMS (INTUC), Korba Area
Subhash Block and No. C/121,
Post Korba Colliery,
Distt. Bilaspur.

Workman/Union

Versus

The General Manager,
SECL, Korba (East),
Korba Colliery,
Distt. Bilaspur (MP)

Management

AWARD

Passed on this 5th day of January, 2006

The Government of India, Ministry of Labour vide its Notification No. L-22012/176/88-D-4(B) dated 5th May, 1989 has referred the following dispute for adjudication by this tribunal :—

"Whether the date of birth of Shri Palakdhari was correctly entered by the Sub Area Manager, SECL, Korba in his service record? If not, to what relief the workman concerned is entitled?"

2. The case of workman Shri Palakdhari in brief is as follows. That he had got employment as loader in Ex-Ramsagar, Incline No. 3 & 4, Korba of the Ex-NCDC Ltd. in March 1959. After being employed, he was physically examined by the Medical Officer of the Colliery. The workman was illiterate. As per provisions of Mines Rules 1955, the Medical Officer had ascertained by examination his age as 24 years and had issued certificate of fitness for employment. As per the certificate of fitness so issued, his age was thereafter recorded as 24 years in 1959 in Form "B" Register. The workman was thereafter transferred to Ex-

Ramsagar Incline No. 1 & 2, Korba w.e.f. 18-1-1960 as loader. In Form "B" Register maintained at Ex-Ramsagar Incline No. 1 & 2, Korba his age was recorded as 25 years in 1960 and subsequently 26 years in 1961, 27 years in 1962, 28 years in 1963 and so on. That his age was also recorded as 25 years in his CMPF Declaration Form "A" when he was qualified for the membership of CMPF in 1960. His CMPF Account Number was A/216262. He was issued Identity Card bearing No. 4003 by the Company and in the said Identity Card, his date of birth was recorded as 1-7-35. The said date of birth ought had to be recorded in his service book but it was not done so till the year 1972 and the column of date of birth in his service book was left blank. In the year 1972, his date of birth was disputedly recorded as 1-7-1921 without any reasonable ground making 14 years of difference in his service book. This fact was then not known to the workman and even he was not communicated about it by the authorities concerned. The workman came to know about the fact of wrong entry of his date of birth as 1-7-1921 just after a few months of his transfer to security section, Korba w.e.f. 1-9-1978. He then made representation to the Sub Area Manager, Korba and Rajgamar vide his application dated 10-7-1979 for rectification of his date of birth as per records. The workman and the Union had been continuously approaching and submitting representations to the management by submitting his Identity Card as a proof for the rectification of his age but the workman was illegally and improperly retired from service w.e.f. 25-11-1981 about 14 years earlier of his age of superannuation. It is therefore prayed that the Honourable tribunal be pleased to nullify the wrong entry of the date of birth made as 1-7-1921 in the service book of workman and be pleased to order the reinstatement of workman from the very date of his illegal and premature retirement with full back wages.

3. The management contested the reference and filed their Written statement. Their case in brief is as follows. Workman Shri Palakdhari was working as General Mazdoor in the Security Section. He entered the service prior to nationalization in the year 1960, the then National Coal Development Corporation. At the time of his initial appointment, there was some confusion regarding his date of birth. Therefore the case of workman Shri Palakdhari along with many other persons whose correct date of birth was not available in the service record was referred to the Age Determination Committee in the year 1972. The Age Determination Committee met on 11-11-1972. Workman Shri Palakdhari appeared before the Age Determination Committee. On the basis of material produced, the Age Determination Committee determined the date of birth of Shri Palakdhari as 11-7-21. The said date of birth was therefore entered into the service book of the workman. The workman did not make any objection when his date of birth was recorded in the service record as 11-7-1921. He also affixed his thumb impression on the

service record. Thereafter the workman did not raise any objection. In the year 1979, he represented about his age recorded in the service book and therefore the management referred his case once again to the medical board for assessment of his age. The workman appeared before medical board and the medical board assessed his age as 58 years as on 24-11-1979. His age was recorded by the Medical Board. This age recorded by the Medical Board was again recorded in service book of the workman. After the age was assessed by the Medical Board, workman Shri Palakdhari did not make any representation and kept quite. On the basis of age recorded as 58 years as on 24-11-79 workman Shri Palakdhari was retired from service on attaining age of 60 years on 24-11-1981. The date of birth of workman Shri Palakdhari has been correctly entered in the service record and therefore the workman is not entitled to any relief whatsoever.

4. The ordersheet dated 20-2-2001 of reference No. R/76/89 reveals that my learned predecessor in office passed order that this case and 4 other cases mentioned therein shall be put with reference No. R/76/89. The ordersheet dated 22-8-2001 of the above reference case reveals that the order passed therein on 22-8-2001 shall govern this reference as well as 4 other reference cases. It appears that this reference case and 4 other reference cases mentioned above were put up along with Reference No. 76/89 on every dates fixed till 3-2-2004 whereby all the cases proceeded exparte against the workman and 7-5-2004 was fixed of evidence of management and in this way this reference proceeded exparte against the workman.

5. For proving their case, the management filed affidavit Shri K.N. Dubey, the then Personal Manager at AHQ of SECL, Korba Area.

6. It appears from the record that both the parties filed some documents also. But those documents cannot be read in evidence as they have not been proved in accordance with the law of evidence.

7. I have heard Shri A.K. Shashi, Advocate for the management. I have very carefully gone through the entire evidence on record.

8. As the case proceeded exparte against the workman, there is no evidence on record in support of the case of workman. The case of management stands fully proved by the unrebutted affidavit of Shri K.N. Dubey, the then Personal Manager. The reference is therefore answered in favour of the management and against the workman.

9. It is hereby held that the date of birth of Shri Palakdhari was correctly entered by the Sub Manager, SECL, Korba in his service record and consequently the workman is not entitled to any relief. Keeping into consideration the circumstances of this case, the parties shall bear their own cost of this reference. The reference is answered accordingly.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 614.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./118/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2006 को प्राप्त हुआ था।

[सं. एल-22012/180/1988 डी4(बी)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/118/90) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 18-1-2006.

[No. L-22012/180/1988-D4(B)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/118/90

PRESIDING OFFICER: SHRI C.M. SINGH

The Area General Manager,
R.K.K.M.S (INTUC), Korba Area,
C/121, Post Korba Colliery,
Distt. Bilaspur.

Workman/Union

Versus

The General Manager,
SECL, Korba (East),
Korba Colliery,
Distt. Bilaspur

Management

AWARD

Passed on this 6th day of January, 2006

The Government of India, Ministry of Labour vide its Notification No. L-22012(180)/88-D-IV B /IR(Coal-II) dated 23-4-1990 has referred the following dispute for

adjudication by this tribunal :—

“Whether the action of the Sub Area Manager, Rajgamar Colliery of M/s SECL, in recording the date of birth of Shri Rampal as 1-10-36 is justified? If not, to what relief the workman concerned is entitled?”

2. The case of workman Shri Rampal in brief is as follows. That he was employed in Ex-NCDC Ltd. Korba Colliery as piece rated loader on 5-9-62. His age was recorded as 20 years on the date of his initial appointment in Form “B” Register maintained by the management. The age/date of birth recorded in form “B” register is treated most authentic and reliable and the same cannot be altered or changed without any sufficient reasons and grounds and without giving notices to the workman. The age/date of birth of the workman once recorded in Form “B” register and other concerned records should have been recorded in his service sheet. The management did not act sincerely and recorded disputed date of birth as 1-10-36, at random and without any base in service sheet, which made a difference of age for about 6 years more. The workman when came to know the facts of wrong entry of date of birth in his service sheet, he represented to the management vide his application dated 27-11-87 supported by certified copy of birth record issued from the Collectorate, Fatehpur, UP along with affidavit. That as per Birth Record Certificate, the date of birth of workman is 15-12-1942. It is prayed that this tribunal be leased to order for correction of date of birth as 15-12-1942 in service sheet of the workman on the basis of certified copy of Birth Record Certificate issued from the Collectorate, Fatehpur, UP.

3. The management contested the reference and filed their written statement. Their case in brief is as follows. The workman Shri Rampal was working as Haulage Khalasi in Rajgamar Colliery. As per his service record available with the management, the date of birth of workman Shri Rampal is recorded as 7-10-36 in the service record. The aforesaid entry has been made on the basis of the declaration in form “A” given by the workman himself. The service records bear the thumb impression of workman Shri Rampal. The service record was maintained by the then National Coal Development Corporation and is a very old record which was maintained by NCDC Ltd. According to Coal Mines Regulation, Register of employment known as Form “B” Register is also maintained by the management. The details in form “B” register are entered on the basis of information given by the employee concerned. In the form “B” register maintained by the management, the date of birth of Shri Rampal is given as 1-10-36. The entries in the Form “B” Register have been countersigned by the workman. After coming into force of implementation of instruction No. 37 under NCWA-III, a notice was displayed on 23/24-4-82 in which details and date of birth of employees were displayed. In item No. 263,

the date of birth of workman Shri Rampal was also displayed as back as in the year 1982. In spite of the above notice workman Shri Rampal never raised any objection regarding his date of birth. After coming into force of implementation Instruction No. 76 of NCWA No. III, service excerpts were circulated to each and every employee. When the service excerpts of workman Shri Rampal were given to him, he did not raise any objection regarding his date of birth. Since in the case of workman Shri Rampal, there is no disparity in the age recorded and his physical appearance and the date of birth entered in different statutory registers is identical, there is no scope of reviewing or rectification of the age recorded as per the decision taken by the Managers of all the Central Trade Unions in JBCCI circulated vide implementation Instruction No. CIL/NCWA-III/76/88/185 dated 25-4-88 of which INTUC is also a member. Looking into the facts and circumstances, it has been submitted on behalf of the management that the management is fully justified and the workman is not entitled to any relief whatsoever.

4. The case proceeded *ex parte* against the workman.

5. There appears to be a so-called affidavit of workman on record which is not a valid affidavit. It does not bear the proper stamp duty and it has not been sworn in accordance with law and therefore it cannot be read in evidence.

6. The management in order to prove its case examined Shri O. P. Tamrakar, the then Personal Manager at Rajgamar Sub Area of SECL, Korba Area.

7. The parties have also filed documents on record but the same have not been proved in accordance with law of evidence and therefore they cannot be read in evidence.

8. There is no evidence to prove the case of workman on record. The case of the management stands fully proved by the uncontroverted and unrebutted affidavit of Shri O.P. Tamrakar, the management's witness. Consequently the reference is answered in favour of the management and against the workman.

9. It is hereby held that the action of Sub Area Manager, Rajgamar Colliery of M/s SECL in recording the date of birth of Shri Rampal as 1-10-36 is justified and consequently the workman is not entitled to any relief. Looking to the facts and circumstances of this case, the parties are directed to bear their own cost of this reference. The reference is answered accordingly.

10. The copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का.आ. 615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./76/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2006 को प्राप्त हुआ था।

[सं. एल-22012/177/1988-डी4(बी)]

एच. पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/76/89) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 18-1-2006.

[No. L-22012/177/1988-D-4(B)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/76/89

PRESIDING OFFICER : Shri C.M. Singh

The Area General Secretary;
RKKMS (INTUC),
Subhash Block, Qr.No. C/121,
P. O. Korba Colliery,
Distt. Bilaspur (MP)

....Workman/Union

Versus

The Sub-Area Manager,
SECL, Rajgamar Colliery
P. D. Rajgamar
Distt. Bilaspur (MP)

....Management

AWARD

Passed on this 5th day of January, 2006

The Government of India, Ministry of Labour vide its Notification No. L-22012/177/88-D-4(B) dated 6-4-89 has referred the following dispute for adjudication by this tribunal :—

“Whether the date of birth of Sri Rambharosh was correctly entered by Sub Area Manager, SECL

Rajgamar Colliery in service record? If not, to what relief the workman is entitled?"

2. The case of the workman Shri Ram Bharosh in brief is as follows. That he was originally appointed at Ex-Ramsagar Incline No. 1 & 2 of N.C.D.C. Limited, Korba w.e.f. 23-4-1959. At the time of employment, he was aged about 19 years. After his employment he was medically examined by the Medical Officer of the Colliery and the Doctor had ascertained his age as 19 years and had issued certificate of Fitness. His age thereafter was recorded as 19 years in Form "B" register of the year 1959 and 20 years in Form "B" Register of the year 1960 and so on. The age recorded in Form "B" Register is most reliable and authentic and is not disputable. His age ought had to be recorded as 19 years in 1959 in his service record. But it was not done so and the column of date of birth in the service record was left blank till the year 1972. The office recorded his date of birth as 28-3-1928 in his service book in the year 1972 as per report of age committee. But the workman had never been called before the age committee and he was not even informed about the assessment of his age by the Age Committee. The workman was issued Service Excerpt Form in the year 1987 by which he came to know about the wrong entry of his date of birth as 28-3-1928. The workman represented his case vide his application dated 13-11-87 supported with the certified copy of the birth record issued by the Collectorate, Bilaspur with affidavit, claiming his actual date of birth as 12-12-1939 for correction of his date of birth as 12-12-1939 instead wrongly recorded as 28-3-1928. The management did not consider his case inspite of documentary proof in support of date of birth and retired him illegally and arbitrarily w.e.f. 28-3-88. It is therefore prayed that this tribunal be pleased to order to restore the age as 19 years in the year 1959 as per entry made in Form-"B" Register or order to rectify as 12-12-39 as per certified copy of birth record issued by Collector, Bilaspur. It is further prayed that the tribunal be pleased to order to reinstate the workman from the date of disputable retirement i.e. 28-3-88 and order for full back wages.

3. The management contested the reference and filed their written statement. The case of the management in brief is as follows. Workman Shri Ram Bharosh was working as mechanical fitter in Rajgamar Colliery. As per service record available with the management, the date of birth of Shri Ram Bharosh is recorded as 28-3-1928. The aforesaid entry in the service record is based on the declaration in Form-"A" given by the workman himself. In the service record, Shri Ram Bharosh has given his thumb impression as a token of having accepted the details entered in the service record maintained by the management. The aforesaid entry in the service record was made by the management of National Coal Development Corporation at the time of initial appointment of the workman in the year

1960. The management of SECL has also got a Form "B" Register in which the date of birth of workman Shri Ram Bharosh is also recorded. In the said register, his date of birth is recorded as 28-3-38. The said entry has also been attested by the workman by fixing his thumb impression. According to Implementation Instruction No. 76 of the NCWA, when the various records maintained by the management do not show any discrepancy, there is no necessity for disbelieving the records in the management. However, the case of workman was also referred to the Age Determination Committee. The Determination Committee after verifying the records and other details given by the workman recommended and held that the date of birth of workman Shri Ram Bharosh is 28-3-1928 and not 12-12-39 as claimed by him and he has been correctly retired w.e.f. 28-3-88. It is, therefore, prayed that this tribunal be pleased to hold that the date of birth of Shri Ram Bharosh workman has been correctly entered by the management and the workman is not entitled to any relief.

4. The order sheet dated 3-2-04 reveals that the case proceeded ex parte against the workman.

5. It appears from the record that both the parties have filed certain documents on record but those documents have not been proved in accordance with the law of evidence and therefore cannot be read as evidence.

6. The management filed affidavit of Shri O.P. Tamrakar, the then Personal Manager in support of their case.

7. I have heard Shri A.K. Shashi, Advocate, the learned counsel for the management and perused the entire evidence on record.

8. The case of the management is fully established from the un rebutted and unchallenged affidavit of Shri O.P. Tamrakar, the Personal Manager of the management. There is no evidence on record in support of the case of the workman.

9. In view of the above, it is hereby held that the date of birth of Shri Ram Bharosh was correctly entered by the Sub Area Manager, SECL Rajgamar Colliery in service Record and consequently he is not entitled to any relief. The reference is answered accordingly. Under the circumstances of the case the parties shall bear their own cost of this reference.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का. आ. 616.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी/ आर/101/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-01-2006 को प्राप्त हुआ था।

[सं. एल-22012/181/1988-डी4 (बी)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/101/89) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 18-01-2006.

[No. L-22012/181/1988-D4(B)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/101/89

PRESIDING OFFICER: SHRI C. M. SINGH

The Regional General Secretary,
R.K.K.M.S. (INTUC), Korba Area,
Suchash Block, Qr. No. C/121,
Post Korba Colliery,
Distt. Bilaspur.

Workman/Union

Versus

The Sub Area Manager,
SECL, Korba (East),
Korba Colliery,
Distt. Bilaspur.

Management

AWARD

Passed on this 5th day of January, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/181/88-D-4 dated 1-5-89 has referred the following dispute for adjudication by this tribunal :—

“Whether the date of birth of Shri Makram was correctly entered by Sub Area Manager, SECL/ Rajgamar Colliery in his service record? If not, to what relief the workman concerned is entitled?”

2. The case of workman Shri Makram in brief is as follows. That he was originally appointed as Ex-NCDC Ltd.,

R.S. Incline No. 1 & 2 Korba w.e.f. 7-12-64. He was about 18 years old at the time of his appointment. He was illiterate, hence he had not submitted any documentary evidence in support of his age at the time of appointment. He was just after his appointment, physically examined by the Medical Officer of the colliery who had ascertained his age as 18 years and had issued certificate of fitness. Thereafter the age of workman was recorded as 18 years in Form “B” Register. That his age was also recorded as 18 years in CMPF Declaration form “A”. The age of the workman ought had to be recorded as 18 years on the day of his appointment in his service book also as per entry of his age made in certificate of fitness in Form-K, Form “B” Register and CMPF Declaration Form-“A”. But the office erred and overlooked to make correct entry of his date of birth in service book and without any basis recorded his date of birth as 1-7-1934. That in making wrong entry of his age/ date of birth in service book, the workman would suffer premature retirement 12 years earlier than the actual age of his superannuation. The workman has been issued certified copy of birth record by the Collectorate, Bilaspur (MP) in which his date of birth has been recorded as 10-3-1947. That the elder brother of the workman named Manmodh is also working in the same establishment. Manmodh is 7 years older than the workman. The date of birth recorded in the service book of Manmodh is 15-3-40. The workman could know about the wrong entry of his date of birth as 1-7-34 in his service book only after issuing to him the service excerpt bearing NO. 635 dated 11-8-87. It is requested that the management be directed to review/rectify the date of birth of workman as 10-3-47 as per birth record issued by the Collectorate, Bilaspur (MP) or as per entry made in Form “B” Register maintained for the year 1964, 1965 and 1966.

3. The management contested the reference and filed their Written Statement. The case in brief is as follows : The workman Shri Makram was working in Rajgamar Colliery. According to his service record, the date of birth of Shri Makram as recorded is 1-7-1934. This entry has been made on the basis of Form-A, declaration given by workman Shri Makram. The date of birth has been entered in the service book as back from 7-12-1965 when the workman was initially appointed. The entries were made in his presence and he had put his thumb impression as token of its correctness. On the basis of form “A” declaration, his date of birth has also been entered in Form “B” Register which was counter signed by the applicant. In form-B register, the date of birth of the workman is shown as 1-7-34. The entries are made therein in the presence of the workman and after the entries were made, the same were explained to the workman and his signature was taken on it as a token of its correctness. The workman Shri Makram was aware of his date of birth and he never made any representation at any stage. After coming into force of implementation Instruction No. 34, the date of birth was

notified for all concerned. The workman Shri Makram never made any objection. After the NCWA-III came into force and as per implementation of Instruction No. 76, details of the service records were circulated. This was also given to workman Shri Makram. There was no disparity in the various records maintained by the management and considering his physical appearance, there was no need to interfere in the case and the date of birth of workman Shri Makram was correctly recorded as 1-7-1934 and the workman is not entitled to any relief.

4. The case proceeded ex-parte against the workman.

5. There appears to be a so-called affidavit of workman Shri Makram but it is not a legally valid affidavit. It does not bear the proper stamp fee and has not been sworn in in accordance with law. Therefore, it cannot be read in evidence.

6. The management in order to prove its case examined Shri O.P. Tamrakar, the then posted as Personnel Manager in SECL, Korba Area.

7. I have heard Shri A.K. Shashi, Advocate the learned counsel for the management and very carefully perused the entire evidence on record.

8. There is no evidence on record for proving the case of the workman whereas the management's case stand fully proved by uncontroverted and unrebutted affidavit of management's witness Shri O.P. Tamrakar. The reference is therefore answered in favour of the management and against the workman.

9. It is hereby held that the date of birth of Shri Makram was correctly entered by the Sub Area Manager, SECL Rajgamar Colliery in his service record and consequently the workman is not entitled to any relief. Keeping into consideration, the circumstances of this case, the parties are directed to bear their own cost of this reference. The reference is answered accordingly.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का. आ. 617.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/100/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-01-2006 को प्राप्त हुआ था।

[सं. एल-22012/174/1988-डी4 (बी)]

एन.सी. केशवन, डैस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 617.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/100/89) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 18-01-2006.

[No L-22012/174/1988-D4 (B)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/100/89

PRESIDING OFFICER: SHRI C.M. SINGH

The Area General Manager,
R.K.K.M.S. (INTUC), Korba Area,
C/121, Post Korba Colliery,
Distt. Bilaspur.

Workman/Union

VERSUS

The Sub Area Manager,
SECL, Kusmunda Project,
PO Kusmunda,
Distt. Bilaspur.

The General Manager,
SECL, Korba (East),
Korba Colliery,
Distt. Bilaspur.

Management

AWARD

Passed on this 6th day of January, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/174/88-D-4 dated 28-4-89 has referred the following dispute for adjudication by this tribunal :—

“Whether the date of birth of Shri Jhunuram was correctly entered by Sub Area Manager, SECL, Rajgamar Colliery in his service record? If not, to what relief the workman concerned is entitled?”

2. The case of the workman Shri Jhunuram in brief is as follows. That he was originally appointed as Ex-NCDC Limited, Ram Sagar Incline No. 3 & 4 Korba w.e.f. 19-2-1958. At the time of his employment, he was aged about 18 years. He was just after appointment physically and medically examined by the Medical Officer of the Colliery who has ascertained his age as 18 years and had issued

him certificate of fitness. His age was recorded in Form "B" Register as 18 years. In CMPF declaration Form "A" his age was also recorded as 18 years. His age ought to be recorded as 18 years on the date of his appointment in service book. That the workman could know about the wrong entry of his date of birth as 1-7-1932 in his service book when on 19-9-87, service excerpt form bearing No. 151 was issued to him. That the office erred and overlooked to make correct entry of his date of birth/age as 18 years in his service book and without any basis recorded his date of birth as 1-7-32. Due to wrong entry of date of birth in his service book, the workman will suffer from premature retirement about 7 years 9 months earlier than his due date of retirement. The date of birth of the workman as per School Leaving Certificate is 15-4-1940. It is prayed that this tribunal be pleased to order to cancel the wrong entry of date of birth made as 1-7-32 in the Service book of the workman and to order to review and rectify the date of birth of the workman as 18 years on the day of his appointment, i.e., on 19-2-1952 as per Form "B" Register maintained by the management or as 15-4-1940 as per his School Leaving Certificate.

3. The management contested the reference and filed their Written Statement. Their case in brief is as follows. That the workman Shri Jhunuram was appointed in the year 1958 by the then National Development Corporation as general mazdoor, Category-I. His date of appointment was 19-2-58. That at the time of appointment, he gave his date of birth as 1-7-32. The said date of birth was entered in the service record by the management of NCDC. The workman Shri Jhunuram signed the same as token of its correctness. Under the NCWA Implementation Instruction No. 76 was issued. In this implementation instruction, certain guidelines regarding determination of date of birth in respect of existing employees were made. After the receipt of the above implementation instructions, the date of birth of the workman and other employees was published for their information. The date of birth of workman Shri Jhunuram was notified as 1-7-32. Because of certain objections raised by the workman, his case was referred to the Age Determination Committee as per implementation instruction No. 76. The Age Determination Committee examined his case on 14-6-88. After examining the case, the Age Determination Committee confirmed the date of birth of workman Shri Jhunuram as 1-7-32 and primary school certificate produced by Jhunuram could not be considered in view of the specific provisions of the implementation instruction No. 76. Now there is no justification for changing the date of birth. It has been submitted on behalf of management that the date of birth of workman Jhunuram has been correctly recorded in service record and he is not entitled to any relief what soever.

4. The case proceeded ex-parte against the workman.

5. There appears to be a so-called affidavit of workman Jhunuram on record. It is not a valid affidavit. It does not bear proper stamp duty and has not been sworn

in accordance with law and therefore it cannot be read in evidence.

6. The management in order to prove its case filed affidavit of Shri O.P. Tamrakar, the then working as Personnel Manager at Rajgamar Sub Area of SECL, Korba Area.

7. Both the parties have filed certain documents on record but they have not been proved in accordance with law of evidence and therefore cannot be read in evidence.

8. I have heard Shri A. K. Shashi, Advocate, the learned counsel for the management and perused the entire evidence on record.

9. There is no evidence on record for proving the case of workman whereas the case of the management is fully proved by the unrebutted and unchallenged affidavit of management's witness Shri O.P. Tamrakar. Therefore, the reference is answered in favour of the management and against the workman.

10. It is hereby held that the date of birth of Shri Jhunuram was correctly entered by the Sub Area Manager, SECL Rajgamar Colliery in his service record and therefore the workman concerned is not entitled to any relief. Considering the facts and circumstances of the case, the parties are directed to bear their own cost of this reference. The reference is answered accordingly.

11. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का. आ. 618.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या CGIT/LC/R/172/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-01-2006 को प्राप्त हुआ था।

[सं. एल-22012/18/1989-आईआर (सी-II)]

एन.सी. केशवन, डेस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 618.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/172/89) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 18-01-2006.

[No. L-22012/18/1989-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Case No. CGIT/LC/R/172/89

PRESIDING OFFICER: SHRI C. M. SINGH

The Area General Manager,
 R.K.K.M.S. (INTUC), Korba Area,
 C/121, Post Korba Colliery,
 Distt. Bilaspur.

Workman/Union

Versus

The Sub Area Manager,
 SECL, Kusmunda Project,
 P.O. Kusmunda,
 Distt. Bilaspur.

.....Management

AWARD

Passed on this 6th day of January, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012(18)/89-IR (Coal-II) dated 19th September, 1989 has referred the following dispute for adjudication by this tribunal :—

“Whether the date of birth of Shri Mansa was correctly entered by the Sub Area Manager, SECL, Korba in his service record ? If not, to what relief the workman concerned is entitled ?”

2. The case of workman Shri Mansa in brief is as follows. That he was originally appointed in Ex. NCDC Ltd., Korba Store w.e.f. 16-4-57 in Surface. His actual age at the time of his appointment was about 16 years and was given employment on humanitarian and compassionate ground in lieu of his deceased elder brother named Umend Das who expired in April 1957. The age of workman was then recorded in form “B” Register, CMPF records as 18 years on the basis of medical examination report of the colliery doctor. The age/date of birth recorded in Form “B” Register is reliable and most authentic documents and also is not disputable. The management prepared the service book of the workman much later than the date of his employment and left the column of date of birth therein as blank. The management ought had to record his date of birth in service book as per entry made in Form “B” register, Form “K” and CMPF records in respect of his age and without any basis recorded his date of birth as 16-4-1928 in his service book. The management had issued the workman the service excerpts form bearing No. Nil dated 30-10-87 in which his date of birth was mentioned as 16-4-1928 which is in dispute. The workman had objected about the wrong entry made as 16-4-28 in his service book and claimed for verification and rectification as per entry made in his school leaving certificate or the birth record issued by the Collectorate, Bilaspur. He had submitted the representation

along with affidavit supported by photocopies of his school leaving certificate and Birth Record Certificate. That the date of birth of the workman as per school leaving certificate is 7-3-1942 and as per birth record, 10-6-1942. But the management arbitrarily retired the workman w.e.f. 16-4-88 inspite of his submitting authentic and reliable proof in support of his age and thus the management retired the workman prematurely about 14 years earlier than his due retirement. It is prayed that this tribunal be pleased to order to cancel the wrong entry made as 16-4-28, to order to restore the date of birth/age as recorded in original Form-B register or as per School Leaving Certificate or Birth Record issued by the Collectorate, Bilapur, MP and be pleased to reinstate the workman in service from the date of his illegal retirement i.e. 16-4-88 with full back wages.

3. The management contested the reference and filed their Written Statement. The case of the management in brief is as follows. That the workman Shri Mansa was working in Kusmunda Project of SECL. In the coal Mining Industry, a statutory register known as Form “B” register is maintained. That in this register various particulars of the workman i.e. name, address, father’s name, age, etc. are given. Apart from the above, service sheet of every employee is also maintained. That as per service sheet maintained by the management, the date of birth of the workman has been recorded as 16-4-1928. Workman Shri Mansa was appointed on 16-4-57 and the date of birth in his service sheet and Form “B” register has been recorded as 16-4-1928. He was served with a notice of superannuation on 24-10-87 by way of pre-intimation and final notice of retirement was served on him on 13-3-88. No objection was raised prior to raising the present dispute. After receipt of notice of retirement, the workman through his Union raised an Industrial Dispute before the Assistant Labour Commissioner. As per implementation Instruction No. 37, the case of workman Shri Mansa was reviewed. In terms of para B-1-A of the Implementation Instruction No. 37, it is agreed that the Matriculation or Higher Secondary Certificate issued by a recognized Board or University or Middle Pass Certificate issued by a recognized Board or University shall be relied upon for the purpose of assessing the age of an employee. The case of the workman Sri Mansa was reviewed and the date of birth was found to be correctly entered by the management. The School Leaving Certificate on the basis of which the workman is basing his claim is a class-III Certificate which is not issued by any Board. Other certificate, i.e. extract of date of birth register issued on 1-12-86 cannot be relied upon as per implementation instruction No. 37. In Form-B register, the date of birth of the workman is recorded as 16-4-1928. In the service sheet also, his date of birth is recorded as 16-4-28. In the LPC issued to him at the time of transfer also his date of birth is recorded as 16-4-28. The Form “B” register and service sheet bear the signature of the workman. If the contention of the workman is accepted, then at the time of employment,

he would have been less than 15 years of age. No person would have been employed in the coal industry if he is below 18 years of age. Apart from the above, there being no discrepancy in the date of birth entered by the management in its various records, there is no justification of reopening the case. It has been submitted on behalf of the management that the date of birth of the workman has been correctly entered by the management and the workman is not entitled to any relief whatsoever.

4. The reference proceeded *ex parte* against the workman.

5. There appears a so-called affidavit filed by the workman on record. It does not bear proper stamp fee and is not sworn in accordance with law. Therefore it cannot be considered as evidence.

6. The management in order to prove its case filed affidavit of Shri Jose Mathew, the then Personnel Manager at Kusmunda Project of SECL at District Bilaspur.

7. Both the parties have filed a few documents on record but they cannot be read in evidence as they have not been proved in accordance with law of evidence.

8. I have heard Shri A. K. Shashi, Advocate the learned counsel for the management and I have very carefully gone through the entire evidence on record.

9. There is no evidence on record for proving the case of the workman whereas the case of management stands fully proved by uncontroverted and un rebutted affidavit of management's witness Jose Mathew. The reference is therefore answered in favour of the management and against the workman.

10. It is hereby held that the date of birth of Shri Mansa was correctly entered by the Sub Area Manager, SECL, Korba in his service record and consequently the workman concerned is not entitled to any relief. Considering the facts and circumstances of this reference, the parties are directed to bear their own cost of this reference. The reference is answered accordingly.

11. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 18 जनवरी, 2006

का. अम. 619.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्स्ट्रुमेन्ट्स लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 66/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2006 को प्राप्त हुआ था।

[सं. एल-42012/187/2004-आई आर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 619.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial dispute between the management of National Instruments Limited, and their workmen, received by the Central Government on 18-1-2006.

[No. L-42012/187/2004-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 21st November, 2005

Present : K. JAYARAMAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 66/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of National Instruments Ltd. and their workmen)

BETWEEN

Sri Golak Nath Gangopadhyay : I Party/Petitioner
AND

The Chairman & Managing : II Party/Management
Director, National Instruments
Ltd. Kolkata.

Appearance :

For the Petitioner : Mr. V. Bhiman,
Advocate

For the Management : None

AWARD

The Central Government, Ministry of Labour vide Order No. L-42012/187/2004-IR(C-II) dated 10-8-2005 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

“Whether the action of the management of National Instruments Limited in withholding the payment of leave salary and other terminal benefits i.r.o. Shri Golak Nath Gangopadhyay is legal and justified? If not, to what relief the workman is entitled?”

2. After the receipt of the reference, it was taken on file as I.D. No. 66/2005 and notices were issued to both the parties and the I Party entered appearance through his advocate and filed the Claim Statement. In spite of notice

and several adjournments, none appeared on behalf of the II Party/Management, therefore, the Respondent is called absent and set *ex-parte*.

3. The allegations in the Claim Statement filed by the Petitioner are briefly as follows :—

The Petitioner was employed by the II Party/Management for well over of 25 years. He was appointed as instrument mechanic from 27-9-1972 and he was promoted as Sales Supervisor (Jr.) SSC Hyderabad during 1983 and then he was re-transferred to Regional Sales Office, Madras by an order dated 4-3-1992. While so, he was not getting his monthly salary in time. Even after several representations the Respondent/Management has not set right the same and therefore, the Petitioner has submitted his resignation to the II Party/Management and asked them to relieve on or before 11-4-1997. But the Respondent has informed the Regional Marketing Incharge to relieve him on 29-4-97. As such, the Petitioner has handed over the charge to Regional Marketing Incharge on 29-4-97 and requested to relieve him on 30-4-97. But the Respondent has not relieved the Petitioner stating that there was discrepancy in stock position and shortage of stock was amounting to Rs. 86,350/- and hence asked the Petitioner to submit his explanation. Even though the Petitioner has submitted his explanation, the Respondent has not relieved him and also not paid the terminal benefits. After a long number of correspondence, the Respondent has settled the Petitioners' gratuity alone and has not paid the leave salary for 240 days. The Petitioner's last drawn salary was Rs. 5,853/- including D.A. and the Respondent has to pay eight months arrears which comes to Rs. 46,824/-. Since the said amount had not been paid from 29-4-97, the Petitioner claims interest @ 18%. Hence, he prays an award may be passed in his favour.

4. As I have already stated the Respondent has not appeared before this Court nor filed any Counter Statement, even after the receipt of notice, therefore, the Respondent is called absent and set *ex-parte*.

5. Under these circumstances, the points for my consideration are —

(i) "Whether the action of the Respondent/Management in withholding the payment of leave salary and other terminal benefits is legal and justified?"

(ii) "To what relief, the Petitioner is entitled?"

Point No. 1 :—

6. In this case, the Petitioner has filed Claim Statement alleging that though he was relieved on 29-4-97, the Respondent/Management has not paid his eight months leave salary. He further alleged that Respondent has paid gratuity but not the leave salary. It is his further contention that his last pay drawn was Rs. 5853/- including

D.A. and he is entitled for eight months salary as leave salary. As I have already stated that the Respondent/Management has not appeared before this Court even after notice, therefore, I find the allegations of the Petitioner are true and he is entitled to the claim made in the Claim Statement. Though the Petitioner claimed 18% interest from the date of relieving *i.e.* 29-4-97, he has not mentioned how he is entitled to 18% interest. Therefore, I find only 12% interest is justifiable in the facts and circumstances shown before this Tribunal. Ordered accordingly.

Point No. 2 :

The next point to be decided in this case is to what relief the Petitioner is entitled?

7. In view of my foregoing findings that the Petitioner is entitled to eight months salary as leave salary and since the Petitioner has alleged that he was getting Rs. 5,853/- per month at the time of his relieving, I find the Petitioner is entitled to Rs. 46,824/- with interest @ 12% from 29-4-97, but without any costs.

8. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 21st November, 2005.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :

On either side : None

Documents Marked :

On either side : Nil

नई दिल्ली, 18 जनवरी, 2006

क्रा. आ. 620.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विदेश मंत्रालय के प्रबंधन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 122/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2006 को प्राप्त हुआ था।

[सं. एल-42012/166/2003-आईआर (सी-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th January, 2006

S.O. 620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award Ref. No.122/2004 of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the Industrial Dispute between the management of Ministry of External Affairs, and their workmen, which was received by the Central Government on 18-01-2006.

[No. L-42012/166/2003-IR(C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
NEW DELHI****PRESIDING OFFICER: R. N. RAI I D. NO. 122/2004****IN THE MATTER OF :—**

The President,
Bhartiya General Mazdoor Congress (Regd.),
Plot No. 1, Aram Bagh,
Near Udasin Mandir, Paharganj,
New Delhi.

Versus

The Director (Establishment),
Ministry of External Affairs,
South Block,
New Delhi-110001.

Shri Akhila Naik,
S/o. Biswanath Naik,
At : Deulbera, P.O : Colliery,
Angul.

AWARD

The Ministry of Labour by its letter No. L-42012/166/
2003 IR (CM-II) Central Government dt. 09-07-2004 has
referred the following point for adjudication.

The point runs as hereunder :—

“Whether the contract awarded by Ministry of
External Affairs to the contractor, M/s. Alert Decor
is a sham contract ? If so, S/Shri Satish Kumar and
Ors., contract workmen (list enclosed) are entitled
for regularization in the establishment of Ministry of
External Affairs and to what other relief they are
entitled.”

It transpires from persual of the order sheet that notice
to the workman was sent but he was not present on
10-11-2005. The workman applicant has not even filed claim
statement. The workman applicant did not turn up despite
notice. Management was also not present. The workman
applicant has not filed claim statement despite service of
notice.

No dispute award is given.

Date : 12-01-2006.

R. N. RAI, Presiding Officer

नई दिल्ली, 20 जनवरी, 2006

का. आ. 621.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार
बैंक ऑफ राजस्थान लिमिटेड के प्रबंधन के संबद्ध नियोजकों
और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद

में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, जयपुर के
पंचाट (संदर्भ संख्या सीजीआईटी-8/2002) को प्रकाशित करती है,
जो केन्द्रीय सरकार को 20-1-06 को प्राप्त हुआ था।

[सं. एल-12012/64/2002-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th January, 2006

S.O. 621.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the Central
Government hereby publishes the award (CGIT-8/2002
of the Central Government Industrial Tribunal-cum-Labour
Court, Jaipur as shown in the Annexure, in the Industrial
Dispute between the employers in relation to the
management of Bank of Rajasthan Limited and their
workman, which was received by the Central Government
on 20-1-06.

[No. L-12012/64/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JAIPUR**

Case No. CGIT-8/2002.

Reference No. L-12012/64/2002 IR(B-I)

Sh. Satish Kumar,
C/o President,
All Bank Safai Karamchari Sangh, Raj.
50/238, Rajat Path, Mansarovar,
Jaipur-302001. Applicant

Versus

1. The Branch Manager,
The Bank of Rajasthan Ltd.,
Pareek College Road,
Jaipur-302001.
2. The Dy. General Manager (PAD),
Central Office,
The Bank of Rajasthan Ltd.,
Chomu House Circle,
Sardar Patel Mar,
Jaipur-302001. Non-applicants

Present :

Presiding Officer : Sh. R. C. Sharma,
For the applicant : Sh. R. C. Jain
For the non applicant : Sh. Alok
Date of Award : 30-11-2005

AWARD

1. The Central Government in exercise of the power
conferred under clause 'D' of sub-Section 1, & 2(A) to
Section 10 of the Industrial Disputes Act, 1947 (hereinafter
referred to as the 'Act') has referred this industrial dispute
for adjudication to this Tribunal which runs as under :—

“क्या श्री सतीश कुमार की सेवा समाप्त दिनांक 19-5-2001 से दी बैंक ऑफ राजस्थान लि. प्रबन्धन द्वारा किया जाना न्यायसंगत एवं वैध है? अगर नहीं तो कर्मकार किस लाभ का हकदार है और किस तिथि से है?”

2. The workman has pleaded in his claim statement that he joined the services of the bank as class 4 on daily wages w.e.f. 6-4-99 at its SG Pareek College Road, Jaipur Branch, who continuously worked till 18-5-2001 and his services were discontinued w.e.f. 19-5-2001 by the Branch Manager in violation of Section 25-F of the Act. He has further stated that the payment of wages was made to him during this period through the pay orders/bankers cheque and about 20 pay orders were issued to him towards remuneration of the work performed by him in the said branch. While detailing the number of pay orders, the workman has stated that he had completed 286 days in total during this period but his service was terminated w.e.f. 19th May, 2001 without following the legal requirements contained under Section 25-F of the Act and Rule 77 of the ID Rules, 1957. He has urged that he be reinstated in the service with full backwages and with all others consequential benefits.

3. Resisting the claim, the non-applicants in their written-counter have averred that the workman was not regularly selected to the post of 4th Class, but he was engaged on requirement of work as a casual worker, who worked for a specified period and on the expiry of this period, his service automatically came to an end. They have pointed out that he had only worked from 11-12-99 to 9-3-2001 and he was never engaged after 9-3-2001. Payment of wages towards the work performed by him were paid to him for 138 working days. The non-applicants have disputed any kind of contravention on their part as alleged by the workman.

4. In the rejoinder, the workman has reiterated the facts as stated in the statement of claim.

5. In the evidence, the workman has examined himself as WW-1 and on behalf of the non-applicants the counter-affidavit of MW-1 Jaweri Lal, Sr. Manager was placed on the record. Both these witnesses were cross-examined by the respective opposite representative. The management has placed on record the relevant documents pursuant to the direction given by the Court on the urge made by the workman.

6. I have heard both the parties and have scanned the record.

7. Now, the following questions emerge for determination:

- (I) Whether the workman had completed 240 days in a calendar year during the period from 6-7-99 to 18-5-2001 and whose service was terminated in contravention of Section 25-F of the Act?
- (II) Whether at the time of terminating the workman's service, the junior employees to him were retained by the bank?

Point No. I

8. The Id. representative for the workman contends that the workman had continuously worked during the whole period from 6-7-99 to 18-5-2001. His next submission is that the workman in his affidavit has stated that he was paid in the names of other persons also and the bank has issued the banker's cheques mentioning the name of Kan Singh, who is an employee at the Pareek School and no question arises of his working as a daily wagger in the branch, who had also signed on the other vouchers and that some bankers cheques were issued in the name of Hanuman Prasad, but the payment of wages was made to the workman. His submission is that these facts are clear from the cross-examination of the management witness and in reality the payment of wages was made to the workman. The next submission of the Id. representative on this point is that workman's evidence has stood un rebutted and while indicating towards the documents Ex. M-19, the bankers cheques and the application Ex. W-20, the Id. representative further contends that Hanuman Prasad is an employee of the bank then why the payment of wages was made to him, if the work was done by some other worker. He has also challenged that Ex. M-19 does not say that the labourers were brought by Hanuman Prasad in the bank premises. Similarly, his contention is that vide bankers cheque Ex. M-24 the workman had filled the water in the coolers and the payment was made to him but the cheque issued in favour of Hanuman Prasad. He has also assailed the genuineness of Ex. M-24 by arguing that it does not carry the signature of Hanuman Prasad and the handwriting on Ex. M-24 and M-25 are different. According to his submission, vide bankers cheque Ex. M-24 the last payment of wages was made to the workman on 5-5-2001 and his service was terminated from 19-5-2001. The Id. representative has asserted that Ex. M-24 and M-25 are forged because Hanuman Prasad had not actually worked.

9. Then the Id. representative for the workman has also contended that the management witness has stated that the labourers used to come to bank from Chaukhati but on the another spot he has stated that Hanuman Prasad and Kan Singh brought them. He has also contended that according to his testimony the payment was made to the worker who did the work, then why the payment was made to Hanuman Prasad and Kan Singh. Therefore, the Id. representative contends that his testimony is contradictory. He has also assailed the evidence of management witness on the count that he has admitted that M-24 does not carry his signature or the cashier or Hanuman Prasad who could not be produced to prove this background. It has also been contended on behalf of the workman that the non-applicants have stated in their written statement that the minimum wages was not Rs. 60/- or 70/- and, therefore, the bank has not come with clean hands. He has contended that the non-applicants have not shown that the payment of wages was made for how many days and there must have been some record with the bank to ascertain the number of working days for which the workman was paid. Therefore, the Id. representative contends that the bank has withheld the material documents with the intention that the number of days cannot be counted. Lastly, he has

contended that the workman has completed 240 days in the preceding calendar year from 19-5-2000 to 18-5-2001 and even in the year 2000, he has completed 240 days and the workman's evidence is uncontroverted which could be accepted.

10. Per contra, the ld. representative for the bank contends that all the documents which were summoned by the Court were filed by the bank accept one bankers cheque dated 19-11-99 worth Rs. 500/- bearing number 268738 and all the pleadings of the workman are outside the claim and the evidence led by him is also outside the purview of the pleadings. In the claim statement, the workman has mentioned 20 pay orders, out of them 19 have been filed by the management and there is no plea in the claim statement that the payment of wages was made to him under the names of other persons, which is an afterthought pleading and has been developed later on. The ld. representative then contends that on the basis of 19 pay orders the total amount of Rs. 8250/- was paid to the workman and the first payment was made to him on 10-12-99 vide Ex. M-1. At that time, Rs. 60/- was the minimum prevalent wages and if this amount is divided by 60, then the total number of working days are calculated as 138 days in total during the period of two years.

11. The ld. representative then controverting the payment of wages to the workman under the fictitious names contends that Hanuman Prasad was a permanent employee of the branch who could not be produced because he has expired. His submission is that on the alleged vouchers no name of workman is mentioned and the pay order Ex. M-19 by which a sum of Rs. 600/- was paid to Hanuman Prasad as wages is supported by the application Ex. M-20. According to his submission, Hanuman Prasad was a daftary and normally the cleaning of record room was looked after by the daftary and to keep the record in good condition he was directed by the management to bring the workers. Then the ld. representative has also contended that Ex. M-24 and the application Ex. M-25 specifically state that the work was got done by Hanuman Prasad and no name of workman is mentioned thereon. He has further contended that the workman has admitted in his cross-examination that he has received all the payments of wages from the bank and has admitted that he was the only person who was working in the bank on daily wages, who had been paid the wages for the work done by him.

12. In the rejoinder, the ld. representative for the workman contends that no strict rules of pleadings are applicable to the industrial disputes, that the wages worth Rs. 60/- were paid to the workman per day is not supported by Ex. M-1 which carries the amount of Rs. 400/- and Ex. M-20 which is of Rs. 250/- as both these amount cannot be divided by Rs. 60/-. He has then raised an objection that if the payment was made through the bankers cheque then there was no necessity for obtaining the application from Hanuman Prasad and his signature has not been verified by any other office of the bank than the management witness. He has also raised an objection that it is not possible that Kan Singh, a chowkidar in the Pareek School would also work in the bank.

13. I have bestowed my thoughtfull consideration to the rival contentions and have carefully gone through the judicial pronouncements referred to before me.

14. Now, the first question which requires determination is whether the workman had completed 240 days of actual service during the calendar years preceding to his termination. The workman's case is that he had completed 240 days of actual work in each calendar year albeit he has not pointed out as to how many days he has completed. Besides, it is also the workman's case that he was forced to receive the payment of wages under the fictitious names, whereas the work was performed and the payment of wages was made to him. On the other hand, the plea set forth on behalf of the bank is that the workman had put in only 138 days of service on the basis of the bankers cheques Ex. M-1 to M-18 and dated 19-11-99 issued in his name and produced by the bank before the Court and that the contention of the workman that he had also worked under the fictitious names is an afterthought.

15. Thus, the claimant has claimed the completion of 240 days of service in a calendar year on two counts, firstly that the wages were paid to him though few of the bankers cheques under his own name, whereas on various occasions it was paid to him under the fictitious names of other persons for the work discharged by him. The factual background in this context sans unnecessary details is that the workman in his claim statement has only confined to the bankers cheque through which the payment was made to him under his own name. He has not produced any documentary evidence in support of the submission, whereas the non-applicants in support of their written-counter brought on record about 18 bankers cheque. On 8-10-2003, this Court on workman's application dated 10-6-2003 directed the non-applicant bank to produce the vouchers/bankers cheques of the period in question through which the payment of wages was made to the workman or the petty cash books/cashier payment scrolls of the relevant period, the bankers cheque thereof were not available with it. However, the workman's request to summon the vouchers through which the payment of wages was made to other persons was not accepted in the absence of disclosure of the specific plea as to under whose names the payment of wages was made to him. Pursuant to this order, the bankers cheques issues by the bank in favour of the workman were placed by it on the record along with the affidavit of Ram Prasad Bhutra dated 17-5-2004. Thereafter, the bank was directed to place the relevant record i.e. the cashier payment scroll/cash book of the relevant period for workman's inspection on his request and in furtherance of the aforesaid direction, the aforesaid relevant record was produced by the bank before the Court on 25-6-2004 for inspection by the ld. representative for the workman and it was inspected on the same date. Subsequent to it, on the next date when the case was fixed for recording the workman's evidence, his affidavit was filed wherein at para 7 he narrated the names of certain persons under whose names the bankers cheques were issued for the work allegedly performed by him and the wages were also received by him and these bankers cheques were detailed at para 9 of the affidavit, which are 21 in total. On 3-9-2004,

the affidavit of MW-1 Jaweri Lal was placed before the Court during the stage of rebuttal evidence and the case was adjourned for further proceedings. Meanwhile, on 29-9-2004 the workman moved an application for providing him all the copies of the documents which was disposed of vide order dated 25-11-2004 of this Court directing the bank to file the remaining 10 bankers cheques out of 21 exhibited at para 9 of workman's affidavit and to file the affidavit for the bankers cheques which were not available with it. On 18-2-2005, the remaining bankers cheques, except the bankers cheque bearing number 268738 dated 19-11-99 worth Rs. 500/- were filed with an affidavit of Arvind Khanna that the only said bankers cheque is not traceable with the bank.

16. Now, I proceed to examine whether on the strength of the bankers cheques Ex. M-1 to M-18, the workman has put in 240 days of actual work during any of the calendar years. Counting backward from the date of termination, the preceding calendar year is found to be from 19-5-2000 to 18-5-2001 and thereafter the another calendar year commences from 19-5-99 to 18-5-2000. Ex. M-1 to M-18 pertain to the period commencing from 10-12-99 to 9-3-2001 and the workman has admitted in his cross-examination that they bear his signatures respectively. The non-applicants in their written-counter have categorically stated that through 19 pay orders the total sum of wages worth Rs. 8250/- for a period of 16 months was paid to the workman for the work carried out by him and that he was engaged on exigencies of work. They have further clarified at the same para that the amount of wages was paid to him at the rate of minimum wages prevalent at that time, which has been disclosed as Rs. 60/- by the Id. representative for the bank during the course of the argument and when the working days are worked out in this manner then their number comes to 138 days only. Calculating the amount contained in Ex. M-1 to M-18, it comes to Rs. 7720/- and on adding the amount of Rs. 500 contained in the bankers cheque dated 19-11-99, which could not be filed on the record and even though it is not covered during this preceding year, the total sum is calculated as Rs. 8220, which when divided by 60, the number of working days are found to be 137 days only, which are undisputedly less than 240 days. As such, on the basis of the bankers cheque Ex. M-1 to M-18, along with the bankers cheque dated 19-11-99, the workman has not put in 240 days' in any of the calendar years.

17. The Id. representative for the workman has contended that since bankers cheque dated 19-11-99 has not been placed on the record by the bank despite the direction to it, the non-applicants have knowingly withheld it as it shows that even in October, 1999 the workman was under their employment and, therefore, the adverse inference should be drawn against the bank. But the particulars of this bankers cheque have been disclosed by the non-applicants which are similar to the description exhibited by the workman himself in his affidavit at para 9 and even after taking into account the number of days performed by the workman for the wages he received through it, the 240 days in a calendar year are not completed as discussed supra. His further ground of attack is that the affidavit of Ram Prakash Bhutra dated 17-5-2004 is unattested, which was knowingly not got attested just to

escape the accountability for not producing the all bankers cheques. But this submission can hardly be stated to have any merit in view of the subsequent affidavit filed by Amod Khanna dated 18-2-2005 which states that only banker's cheque dated 19-11-99 could not traced out. Moreover, all the relevant record was placed by the bank before the workman which was got inspected by him through his representative. As such, the submission made on behalf of the workman is devoid of merit and cannot be sustained. On this point, the submission advanced by the Id. representative for the bank is strengthened by the decision reported in (2004) 8 SCC 161. The Id. representative does not find any support from the decisions 2004 WLC (UC) 380; AIR 1968 SC 1413 and 2005 (4) RDD Raj. 1015 as their facts are not applicable to the case at hand.

18. Now, I am faced with the pertinent question as to whether the workman during the period in question was forced to assume the fictitious names for receiving the payment of wages for the work performed by him.

19. The workman in his affidavit has stated that he had continuously worked from 6-7-99 to 19-5-2001 as a sub-staff and gardener and during this period he was paid the wages under the fictitious names of Ram Narayan, Kan Singh, Ram Dayal, Mohan Singh and Jawan Singh. the names which he knows. He has further stated that Kan Singh and Swaroop Govind are the employees in the Pareek School and on most of the bankers cheques Kan Singh had signed under the fictitious names. Besides, he was also paid the wages under the fictitious name of Hanuman Prasad, who is working in the same branch. In his cross-examination, he has admitted that he has received all the payments of wages, that Ex. M-19 to M-22 do not carry his signature and the payments through these instruments were made to him. He has denied that Ram Narayan. etc. had worked for the bank.

20. For convenience sake, these documents are precisely narrated here. Ex. M-19 to Ex. M-25 pertain to Hanuman Prasad, who was a daftary in the bank and according to the testimony of MW-1 Jaweri Lal he has expired Ex. M-19 is a bankers cheque worth Rs. 600/- issued in favour of Hanuman Prasad for paying the back-wages to safaiwala and for arranging stationery. It is accompanied with the application Ex. M-20 dated 14-8-2000 presented by Hanuman Prasad to the manager stating that he had arranged the labourers on 12.8 and 13.8 for arranging the stationery and the old record and has prayed to pay him Rs. 600/- for disbursing them Ex. M-21 dated 13-10-2000 is bankers cheque worth Rs. 750 in favour of Hanuman Prasad for the payment of stitching charges, which is supported by the bill Ex. M-22 dated 12-10-2000 issued by Lawani and Tailors towards the stitching charges Rs. 750/-. Banker's cheque Ex. M-23 dated 16-4-2001 worth Rs. 1200/- had also been issued in favour of Hanuman Prasad for the payment of miscellaneous expenses for photocopying, etc. which is accompanied with the bill Ex. M-24 issued by M/s. Ashoka Ex. M-24 dated 5-5-2001 is the bankers cheque worth Rs. 660/- issued in favour of Hanuman Prasad for miscellaneous expenditure for filling the water in the coolers and is supported by Ex. M-25, the application dated 5-5-2001 submitted by Hanuman Prasad before the Bank Manager praying for payment of Rs. 660/-. Except bankers

cheque Ex. M-24 dated 5-5-2001, all these documents are signed by Hanuman Prasad.

21. Another set of instruments is Ex. M-26 to M-32. Ex. M-26 dated 7-12-99, M-27 dated 24-12-99, M-28 dated 4-1-2000, M-29 dated 3-2-2000, M-30 dated 2-3-2000, M-31 dated 6-6-2000 and M-32 dated 13-1-2001 are the bankers cheques through which the payment of wages for carrying out the work of cleaning and gardening was paid to Mohan Singh which are signed by him on their back respectively. Vide M-33 dated 26-7-99 Rs. 600/- were paid to Ram Narayan, vide M-34 dated 14-8-99 the payment was made to Raj Kumar, through M-35 dated 23-10-99 the payment was made to Sh. Ram Dev., through M-36 dated 30-3-2000 the payment was made to Kan Singh, through M-37 dated 4-7-2000 the payment was made to Jaiwai Singh, vide M-38 dated 10-4-2000 the payment was made to Mohan Singh, through M-39 dated 26-4-2000 the payment was made to Mohan Lal and vide M-40 dated 25-10-2000 and M-41 dated 21-4-2001 the payment was made to Kan Singh. These are all signed by these persons respectively.

22. MW-1 Jaweri Lal is the relevant witness on this point who has stated in his affidavit that he was posted as Sr. Manager at the relevant time from 4-5-96 to 30-4-2001 and that the workman was employed on contractual basis for carrying out the works of cleaning and arranging the record. He has proved Ex. M-19 to M-24 by stating that they bear his signatures respectively and has clarified that the payment of wages was made to Hanuman Prasad Agrawal through Ex. M-19 for arranging the labourers for cleaning the record and arranging the stationery. He has categorically stated that this payment was not made to the workman. In his cross-examination, he has pointed out that the payment was made to the labourer himself from whom the work was taken and if four persons carried out the entrusted work then the payment of wages was made to their group incharge. He has further clarified that since Hanuman Prasad had brought these four persons the payment was issued in his name and has categorically denied the suggestion that the work was carried out by the workman and who was paid for the same. He has admitted that Ex. M-24 dated 5-5-2001 pertains to the branch, which does not bear his signature, but the payment thereof was made by the cashier and has proved the signature of Smt. Kokila, Manager between A to B. He has only pleaded ignorance about the signature of the bank authority between A to B on Ex. M-25 and has stated that Hanuman Prasad has expired and Smt. Kokila has retired. He has further pointed out in his cross-examination that Ex. M-26 to M-32 bear the signatures of Mohan Singh, who was labourer and the persons named in Ex. M-33 to M-41 are not known to him, but they used to come as labourers whom he can identify by their faces. He has also stated in his cross-examination that Kan Singh is a chowkidar in the Pareek Sr. Secondary School, who though never worked in the bank but he arranged the labourers for the bank and the payment was made to him. He has also denied that the signatures on the back of M-26 to M-41 were put by Kan Singh and has further stated that there is a lot of difference amongst these signatures. He has categorically denied that Ex. M-25 is a forged document.

23. Pondering over the assertion made on behalf of the workman that Ex. M-24, banker's cheque dated 5-5-2001 is a forged document as it has not been signed by Hanuman Prasad, it is to be observed that merely because the signature of Hanuman Prasad for acknowledging the amount is missing on it, its issuance cannot be doubted as it has been duly signed by the Branch Manager Smt. Kokila whose signature has been identified by MW-1 Jaweri Lal. It is further fortified by the application Ex. M-25 dated 5-5-2001 addressed by Hanuman Prasad himself to the Branch Manager and it contains the payment order made by the bank authority on the same date. As such, the contention that Ex. M-24 banker's cheque and application Ex. M-25 are forged cannot be accepted.

24. Thus, the facts emerging from the deposition of MW-1 Jaweri Lal are that Hanuman Prasad was a permanent daftary in the same branch to whom the payment was made for the work carried out by him in pursuance of the official directions and the payments were made to him for disbursing them amongst the labourers. Kan Singh was a watchman in the Pareek School, stated to have been situated in the same premises, who used to arrange the labourers for carrying out the work of the bank. The management witness has emphatically stated that the other persons to whom the payment was made were the labourers whom he can identify by the faces though they are not personally known to him.

25. It cannot be disputed that in banking industry looking to its work load, on exigencies of the work the additional labourers are to be hired and daftary, being in the capacity of a 4th class of the bank, can be required to arrange the extra labourers to accomplish the additional work. Further, the probability to ask Kan Singh, a chowkidar in the same premises, to arrange for the labourers cannot be ruled out and on a careful scrutiny of the testimony of this witness, I find that he has stood unshaken in his cross-examination and has satisfactorily explained the transactions made through these instruments. No fact has surfaced on the record to discard or even to doubt his testimony. Thus the management has rendered a plausible explanation of the payments made through these instruments to the persons other than the workman.

26. It has been contended on behalf of the bank that the workman has not incorporated this plea in his claim statement. On the other hand, the Id. representative for the workman contends that strict rules of pleadings are not applicable to the industrial disputes and the Id. representative has placed his reliance upon 1964 (8) FLR SC 277. True it is, that the strict rules of evidence or pleadings are not applicable to the industrial disputes, but when the workman has based his claim on a material plea which he has belatedly raised, he is required to offer a satisfactory explanation thereof, especially under the present circumstances when the management has clarified that the payments through these instruments were paid to the persons other than the workman, who were entrusted the work on behalf of the bank. On this issue, on the aforesaid narration of facts there is a total absence of linking evidence that the payments of wages pertaining to these instruments were made to the workman under the fictitious names. In his claim statement the workman has

not embodied this plea that the payment of wages was made to him under fictitious names. On digging the facts, it is further revealed that in his application dated 10-6-2003 the workman raised this plea for the first time that he was also paid the wages under the fictitious names without disclosing their names, but it was only after inspecting the relevant record of the bank that the workman has disclosed these names at para 7 of his affidavit. At para 7 of his affidavit, he has also stated that the payments of wages made to Kan Singh and Hanuman Prasad were in reality paid to him and that Hanuman Prasad is an employee of the bank and Kan Singh is an employee in the Pareek School. If it was so, then while he knew both these persons by name during his said employment with the bank, then he could have easily mentioned their names in his claim statement or even in his application dated 10-6-2005. Why their names were not shown in the claim statement or in the application dated 10-6-2005, the Ld. representative for the workman has failed to reason and no explanation of the absence of such pertinent fact could be rendered on behalf of the workman. I, therefore, find considerable force in the submission canvassed by the Ld. representative for the bank when he contends that it is an afterthought plea of the workman. On all these counts and on the depiction of the factual position supra, it is manifestly clear that the workman has improved his statement subsequently on this point that he was forced to assume the fictitious names and has cooked up this plea, to which no credence can be attached. The Ld. representative for the workman has placed his reliance in support of his submission on 2000 (3) SLR Gujarat 187. In this case, there was a clear cut case of the workmen that they were asked by the controlling officer that a contingent workman could not be kept in employment for more than 180 days and, therefore, they were forced to assume the false names. They also specifically pointed out as to what false names they had assumed and their plea could not be shaken on behalf of the management. In this manner, the facts of the referred to case are wholly dissimilar with the present controversy and it is of no avail to the submission advanced on behalf of the workman.

27. On the factum of completion of 240 days of actual service in a calendar year, the Ld. representative for the workman has referred to the following decision which are not applicable to the present controversy having distinguishable features : 2003 (99) FLR SC 331 and 2005 Lab IC SC 2279.

28. To conclude, the workman has failed to satisfy that he had completed 240 days of continuous service during the calendar year preceding to his termination under the employment of the bank and all the submissions put forth on his behalf are devoid of substance and are repelled accordingly. As such, this point is answered against the workman and in favour of the non-applicants.

Point No. II

29. The Ld. representative for the workman contends that the management has not prepared the seniority list and has violated the provision under Section 25-G of the Act. On the other hand, the Ld. representative for the bank contends that the workman was employed as a daily wager for a specified time and he was paid for the period he was engaged and no seniority list was required to be prepared.

30. In his claim statement, the workman has not named any junior person nor he has disclosed such names in his affidavit who were retained by the bank while terminating his service. Therefore, simply on account of not preparing the seniority list without establishing the fact that any junior person to him was retained by the bank, the workman fails to discharge the onus on this point that the bank had acted in contravention of the provision contained under Section 25-G of the Act. The Ld. representative for the workman in support of his submission has referred to the decisions reported in 1991 (1) RLR 577, 2004 III LLJ SC 555 and 1994 AIR SCW 694, but their facts do not resemble with the present controversy and are of no avail to the workman. As such, this point, too, is decided against the workman.

RELIEF

31. For the foregoing reasons, the workman is entitled to no relief and his claim deserves to be rejected.

32. In consequence, the reference is answered in the negative against the workman and in favour of non-applicant bank and it is held that the termination order dated 19-5-2001 passed against the workman is legal and justified and the claim of the workman is rejected. An award is passed in these terms accordingly.

33. Let a copy of the award be sent to the Central Government for publication under Section 17(1) of the Act.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 20 जनवरी, 2006

का.आ. 622.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ए एन जैड ग्रिन्डलेज बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आईडी-218/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-1-2006 को प्राप्त हुआ था।

[सं. एल-12012/254/1999-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 20th January, 2006

S.O. 622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID 218/1999) of the Central Government Industrial Tribunal/Labour Court. No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ANZ Grindlays Bank Limited and their workman, which was received by the Central Government on 20-1-2006.

[No. L-12012/254/1999-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R.N. RAI I.D. No. 218/1999

In the Matter of :—

Shri Ashok Kumar,

R/o C-3/26, Yamuna Vihar, Delhi-110053

Versus

The Branch Manager,
ANZ Grindlays Bank Limited,
Karol Bagh Branch,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12012/254/99/IR (B-I) Central Government Dt. 29-10-1999 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of the General Manager, ANZ Grindlays Bank and the Branch Manager, Karol Bagh Branch, Delhi in stopping Shri Ashok Kumar from duty w.e.f. 10-10-1998 is justified, legal and valid? If not, to what relief the workman is entitled to?”

Both the parties were persuaded to settle the matter and negotiations took place and the matter was settled in Lok Adalat. On 18-01-2004 both the parties filed compromise entered into between them. The workman was paid a Draft of Rs. 2,16,000/- (Rs. Two Lakhs Sixteen Thousand) in full and final settlement of the matter. The workman has also stated that his claim has been fully settled and nothing remains disputed.

No dispute award is given.

Dated : 19-01-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 30 जनवरी, 2006

का.आ. 623.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 2792, दिनांक 20-7-2005 द्वारा ताम्बा खनन उद्योग जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 13 में शामिल हैं, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 5-8-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 5-2-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/11/97-आई आर (पीएल)]

जे.पी. पति, संयुक्त सचिव

New Delhi, the 30th January, 2006

S.O. 623.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2792 dated 20-7-2005 the service in the Copper Mining Industry which is covered by item 13 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 5th August, 2005.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 the Central Government hereby declares the said industry to be public utility service for the purposes of the said Act, for a period of six months from the 5th February, 2006.

[F. No. S-11017/11/97-IR(PL)]

J.P. PATI, Jt. Secy.

नई दिल्ली, 20 जनवरी, 2006

का.आ. 624.—केन्द्रीय सरकार, एतद्वारा, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित प्रतिष्ठानों के नियमित कर्मचारियों को उक्त अधिनियम के प्रचालन से छूट प्रदान करती है :—

(i) टायर कार्पोरेशन ऑफ इंडिया लि., 1-1-1997 से 30-9-2006 तक की अवधि के लिए छूट प्रदान की गई।

(ii) जियोडिक एण्ड रिसर्च ब्रांच, चर्कशप (सी.एस.एम.डब्ल्यू. का मैके. डिवी.) एस.ओ.आई., देहरादून, 1-1-1991 से 30-9-2006 तक की अवधि के लिए छूट प्रदान की गई।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात् :—

(1) पूर्वोक्त छूट कारखाना जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम दिखाये जायेंगे;

(2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अभिदायों के आधार पर हकदार हो जाते हैं;

(3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जायेंगे;

(4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था, (जिसे इसमें इसके पश्चात् “उक्त अवधि” कहा गया है) ऐसी विवरणियाँ ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देती थी;

- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :

- (i) धारा 44 की उक्त उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरण की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ;
- (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं, या
- (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी नियोजक द्वारा दिए गए उन हितलाभों को जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं, या
- (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे ऐसे किन्हीं उपबंधों का अनुपालन किया गया था, या नहीं,

निम्नलिखित कार्य करने के लिए सशक्त होगा :

- (क) प्रधान या आसन्न नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है;
- (ख) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं, या
- (ग) प्रधान या आसन्न नियोजक की, अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या
- (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्घरण लेना।

[सं. एस-38014/14/2004-एसएस-1]

के. सी. जैन, निदेशक

व्याख्यात्मक ज्ञापन

इस मामले में छूट को पूर्वप्रभावी किया जाना आवश्यक हो गया है क्योंकि छूट प्रदान करने के आवेदनों पर कार्रवाई करने में काफी समय लग गया। तथापि, यह प्रमाणित किया जाता है कि छूट के पूर्वप्रभावी करने से किसी के भी हितों पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 20th February, 2006

S.O. 624.—In exercise of the power conferred by Section 88 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts from the operation of the said Act the regular employees of the following establishments :—

- (i) **Tyre Corporation of India Ltd., exempted for the period from 01-01-1997 to 30-09-2006.**
- (ii) **Geodic & Research Branch, Workshop (Mech. Div. of C.S.M.W.), S.O.L, Dehradun exempted for the period from 01-10-1991 to 30-09-2006.**

2. The above exemption is subject to the following conditions namely :—

- (1) The aforesaid establishment wherein the employers are employed shall maintain a register showing the name and designations of the exempted employees'.
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refundable;
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under Sub-section (1) of Section 45 of the said ESI Act or other official of the Corporation authorized in this behalf, shall, for the purpose of:—
 - (i) Verifying the particulars contained in any return submitted under Sub-section (1) of Section 44 for the said period; or
 - (ii) Ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) Ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

- (iv) Ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to empower to :
- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/14/2004-SS-I]

K. C. JAIN, Director

Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case as processing of the applications for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

नई दिल्ली, 1 फरवरी, 2006

का.आ. 625.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, 01 मार्च, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

आन्ध्र प्रदेश राज्य के मेदक जिले के कोहिर मण्डल के अन्तर्गत आने वाले राजस्व ग्राम "दिगवाल, कावेल्ली तथा वेंकटापुर"।

[सं. एस-38013/04/2006-एस एस-I]

के. सी. जैन, निदेशक

New Delhi, the 1st February, 2006

S.O. 625.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh namely :—

"Areas falling within the limits of Revenue Villages of DIGWAL, KAVELLI and VENKATAPUR in Kohir Mandal of Medak District in Andhra Pradesh."

[No. S-38013/04/2006-SS-I]

K. C. JAIN, Director

नई दिल्ली, 1 फरवरी, 2006

का.आ. 626.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, 01 मार्च, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध हरियाणा के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रम सं.	राजस्व ग्राम	हदबस्त संख्या	जिला
1.	बहोली	22	पानीपत
2.	ददलाना	25	पानीपत
3.	गंजबड़	31	पानीपत
4.	अली-असगरपुर	32	पानीपत

[सं. एस-38013/05/2006-एस एस-I]

के. सी. जैन, निदेशक

New Delhi, the 1st February, 2006

S.O. 626.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Haryana namely :—

Sl. No.	Revenue Village	Had Bast No.	Distcict
1.	Bholi	12	Panipat
2.	Dadlana	25	Panipat
3.	Ganjbarh	31	Panipat
4.	Ali-Asgarpur	32	Panipat

[No. S-38013/05/2006-SS-I]

K. C. JAIN, Director

नई दिल्ली, 1 फरवरी, 2006

का.आ. 627.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, 01 मार्च, 2006 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-V और VI (धारा-76 की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध हरियाणा के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रम सं.	राजस्व ग्राम	हदबस्त संख्या	जिला
1.	पृथला	42	फरीदाबाद
2.	सोफला	01	फरीदाबाद
3.	फिरोजपुर	64	फरीदाबाद
4.	दूधौला	40	फरीदाबाद
5.	बधौला	44	फरीदाबाद
6.	जटौला	48	फरीदाबाद
7.	ततारपुर	47	फरीदाबाद
8.	देवली	46	फरीदाबाद
9.	धतीर	37	फरीदाबाद

[सं. एस-38013/03/2006-एस एस-I]

के. सी. जैन, निदेशक

New Delhi, the 1st February, 2006

S.O. 627.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2006 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except Sub-section (1) of Section 76 and Sections 77, 78 79 and 81 which have already been brought into force] of the said Act, shall come into force in the following areas in the State of Hayrana namely :—

Sl. No.	Revenue Village	Had Bast No.	Distict
1	2	3	4
1.	Prithla	42	Faridabad
2.	Softa	01	Faridabad
3.	Firojpur	64	Faridabad
4.	Dudola	40	Faridabad
5.	Bhagola	44	Faridabad
6.	Jatula	48	Faridabad
7.	Tatarpur	47	Faridabad
8.	Devli	46	Faridabad
9.	Dhatir	37	Faridabad

[No. S-38013/03/2006-SS-I]

K. C. JAIN, Director

नई दिल्ली, 8 फरवरी, 2006

का.आ. 628.—कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 5क की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री एम. पी. मेहरोत्रा को केन्द्रीय न्यासी बोर्ड के एक सदस्य के रूप में नियुक्त करती है और दिनांक 17-03-2003 को भारत के राजपत्र, असाधारण के भाग II खण्ड 3, उप-खण्ड (ii) में प्रकाशित भारत सरकार, श्रम मंत्रालय का.आ. 295 (अ) दिनांक 13-03-2003 की अधिसूचना में निम्नलिखित संशोधन करती है।

2. उक्त अधिसूचना में क्रम संख्या 29 में श्री वीरेन्द्र उप्पल के स्थान पर निम्नलिखित प्रविष्टि अन्तःस्थापित की जाएगी, अर्थात् :—

श्री महेश प्रसाद मेहरोत्रा
अध्यक्ष, एसोचेम,
सी-561, डिफेंस कालोनी,
नई दिल्ली-24

[सं. वी-20012/2/2003-एस एस-II]

के. सी. जैन, निदेशक

New Delhi, the 8th February, 2006

S.O. 628.—In exercise of the powers conferred by Sub-section (i) of Section 5A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government hereby appoints Sh. M. P. Mehrotra as a member of the Central Board of Trustees and makes the following amendment in the Notification of the Government of India in the Ministry Labour S.O. 295(E) dated the 13-03-2003 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, Extraordinary dated 17-03-2003.

2. In the said notification for entries against serial No. 29 Sh. Verender Uppal, the following entries shall be substituted namely :—

Sh. Mahesh Prasad Mehrotra
Member, ASSOCHAM,
C-561, Defence Colony,
New Delhi-24

[No. V-20012/2/2003-SS-II]

K. C. JAIN, Director

नई दिल्ली, 10 नवम्बर, 2005

का.आ. 629.—जबकि, मैसर्स गुजरात विद्युत बोर्ड और उसकी सात उत्तराधिकारी कम्पनियों (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) (एतदुपरान्त उक्त अधिनियम के रूप में संदर्भित) की धारा 17 की उपधारा (1) के खण्ड (क) के अन्तर्गत छूट के लिए आवेदन दिया है।

और, जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए

उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपगता उक्त योजना के रूप में संदर्भित) के अन्तर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

अतः, अब, उक्त अधिनियम की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस संबंध में केन्द्र सरकार द्वारा समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए केन्द्र सरकार, एतद्वारा उक्त प्रतिष्ठान को 1-1-2005 से अगले आदेश तक के लिए उक्त योजना के समस्त उपबंधों के प्रचालन से मुक्त करती है।

[सं. आर-11014/1/2005-एस एस-II]

संयुक्ता राय, अवर सचिव

New Delhi, the 10th November, 2005

S.O. 629.— Whereas M/s. Gujarat Electricity Board and its seven successor companies (herein after referred to as the said establishments) has applies for exemption under clause (a) of Sub-section (1) of Section 17 of the

Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And, whereas, in the opinion of the Central Government the rules of the provident fund of the said establishments with respect to the rates of contribution are not less favourable to employees than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Fund Scheme, 1952 (hereinafter referred to as the said scheme) in relation to the employees in any other establishment of similar character.

Now, therefore, in exercise of the powers conferred by clause (a) of Sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby exempts the said establishments from the operation of all the provisions of the said Scheme with effect from 01-01-2005, until further orders.

[No. R-11014/1/2005-SS-II]

SANJUKTA RAY, Under Secy.